



The Lake Erie Regional Grape Program

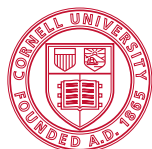


Crop Update for October 9, 2014

With harvest getting into full swing in the Lake Erie region, the LERGP Crop Update will be going to a biweekly distribution. We will continue to provide Luke's updates on Brix accumulation at the vineyards in the nine site study, as well as, the weather update of NEWA information on a weekly basis. This information will be included with the weekly email announcing the latest issue of Veraison to Harvest.



Building Strong and Vibrant New York Communities
Diversity and Inclusion are a part of Cornell University's heritage. We are a recognized employer and educator valuing AA/EEO, Protected Veterans, and Individuals with Disabilities.



Cornell University

Use of Volunteers and Other Labor Law Issues

The use of volunteers during harvest is fairly unusual in the Lake Erie Grape Region. For profit businesses may not use volunteers anywhere in the US. As pointed out by FLGP, these rules have been enforced in California recently. The consequences are oppressive.

One of the reasons the climate for “volunteers” is changing is that the DOL has revised its interpretation of internship programs. After the 2007 recession, young college educated unemployment was above 15%. Corporation internship programs took advantage of the situation and boosted their ranks with essentially unpaid labor. ¹

In a for profit business unpaid labor should be limited to an internship program. Simply calling a volunteer an intern is not good enough. These internships must be primarily educational. They must meet a whole host of other requirements to ensure that the program is not unfairly benefiting a for profit business at the expense of the labor pool. Often an intern will spend too much time on a mindless task (hand harvest, pruning, bottling). This is where the protection of an internship status typically falls apart.²

The fines may seem particularly harsh for the California winery. Part of the problem for the winery was workers’ compensation. Once the volunteers were declared employees, the winery was not in compliance with workers’ compensation. Small farm businesses that are not exempt from workers’ compensation may face severe fines for uninsurance. The business can be fined \$200 per day, as well as, the actual costs of an employee’s potential claim, if he was injured on the job. Medical and compensation costs can easily exceed \$100,000 in the event of a severe injury.

Farm businesses with less than \$1,200 of total farm payroll are legally exempt from workers compensation in New York. In Pennsylvania farmers are exempt if each individual employee is employed less than 30 days and is paid less than \$1200.³

I know farmers and wineries have been accused of abusive labor polices in the past. In my experience nothing has been further from the truth. However, farmers have been known to play fast and loose with regulations they deem unnecessary. Even

¹ http://www.mercurynews.com/my-town/ci_26541167/castro-valley-winery-fined-115-000-using-volunteers

² <http://www.dol.gov/whd/regs/compliance/whdfs71.htm>

³ http://www.farmworkerjustice.org/sites/default/files/documents/6.3.a.1State_Workers_Comp_Information_for_Health_Centers_11-09.pdf

smaller violations can result in severe fines or criminal charges. Take the time to avoid these violations and consider the invested time cheap insurance.

Many of the paperwork violations are a result in pruning labor and other similar seasonal activities. I do understand that many of these employees act like contractors. Unfortunately, federal law specifically forbids farm labor to ever be considered a contractual relationship unless the contractor is registered with the State. A quick search reveals virtually no contractors in the area. As a result growers need to implement rigid policies and procedures to ensure the collection of w-4 and i-9 information from these transient employees.⁴ Registered contractors do exist in the Finger Lakes, allowing pruning labor to be paid with a 1099 on a contractual basis.

Please do not rely on this information for legal advice. For your specific circumstances contact your attorney.



Cultural Practices

The Numbers

Luke Haggerty

Viticulture Extension Associate

Lake Erie Regional Grape Program

The two weeks of sunshine at the end of September has set most growers up for a good harvest. The ‘berry curve’ indicates that °Brix have begun to plateau, so we are not expecting to see any large weekly increases in °Brix. Sampling data for the 9-site study collected by Kelly Link and our CLEREL staff shows a slight increase in brix for ‘Concord’ this past week. The averaged brix from the regions’ 80 sample sites shows that the total average increased from 16.0 to 16.4 °Brix (0.4). To follow veraison to harvest for other grape cultivars see weekly updates at <http://grapesandwine.cals.cornell.edu/newsletters/veraison-harvest>

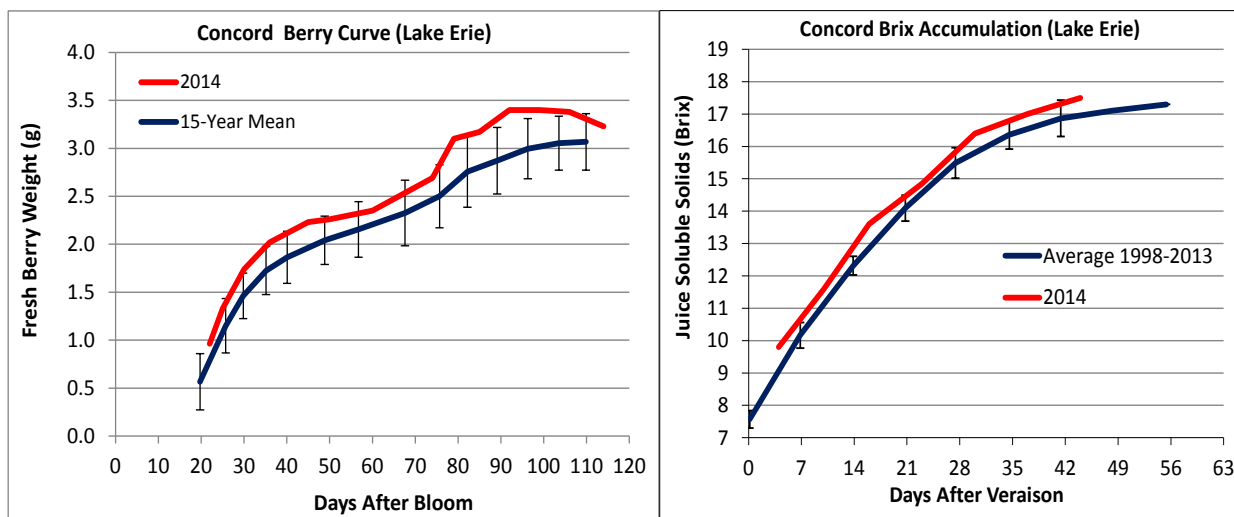
Lake Erie Region Average Concord Soluble Solids	
Location	BRIX
E. Rt5	16.1
E.Rt 20	16.5
E. Escarpment	16.9
C. Rt 5	16.2
C. Rt 20	Harvested
C. Escarpment	Harvested
W. Rt 5	16.9
W. Rt 20	16.3
W. Escarpment	16.3
Samples Taken on 10/6/14	

Concord Berry Curve

Dr. Terry Bates

Cornell Lake Erie Research and Extension Laboratory, Director

Concord fresh berry weight in our phenology block at CLEREL decreased just slightly over the past week and the juice soluble solids continued to increase. The fruit in this block is fully mature and is next on the list for the picking schedule.



Weather Data

Lake Erie Grape Region NEWA Weather Data

Location	Date	High (F)	Low (F)	Precip.Past 7 days (in)	Precip. OCT.Total	Total Apr GDD
North East Lab, PA	10/8/14	58	52	1.4	1.40	2497
Harborcreek, PA	10/8/14	58	52	1.17	1.17	2533
North East Escarpment	10/8/14	57	51	1.9	1.90	2449
Ripley	10/8/14	57	53	0.3	0.30	2543
Portland Route 5	10/8/14	59	55	1.5	1.50	2516
Portland CLEREL	10/8/14	58	55	NA	NA	2444
Portland Escarpment	10/8/14	56	52	2.09	2.09	2462
Dunkirk	10/8/14	59	52	0.97	0.97	2374
Silver Creek	10/8/14	58	53	1.06	1.06	2419
Sheridan	10/8/14	58	52	NA	NA	NA
Versailles	10/8/14	57	49	NA	NA	2317
Appleton	10/8/14	57	49	0.93	0.93	2110
Somerset	10/8/14	58	50	1.02	1.02	2318
Appleton South	10/8/14	65	52	0.96	0.96	2202

Note: NA=Sensor Malfunction

DATE/YEAR	HIGH	LOW	DAILY PRECIP	GDDs	TOTAL APRIL GDDs	TOTAL JAN GDDs
Week of 09/11/2014	79.7	60.70	0.09	141.5	2373	2373
Week of 09/18/2014	64.4	53.60	0.13	63	2436	2436
Week of 09/25/2014	69.3	50.30	0.05	68.5	2504.5	2504.5
Week of 10/1/2014	71.3	52.60	0.00	83.5	2588	2588
Week of 10/8/2014	66.4	50.90	0.30	64	2652	2652
Average(from 1964)	65.1	47.90	0.20	51.8	2615	2639.9
Oct Precip- Wk 1= .30"						
Total Precip: June = 5.05" July = 4.47" Aug= 2.58" Sept= 2.77"						



IPM

Tim Weigle, NYSIPM, LERGP Team Leader

With the recent winds sweeping the region, it is starting to become obvious where problems with grape berry moth (and in some cases Phomopsis) are occurring from the amount of fruit that has dropped to the ground. The first step would be to target these areas for harvest as soon as the sugar standards of your processor are reached. The longer these areas are left, the more money you will lose through berry drop.

This berry loss helps to emphasize that harvest is one of the best times to determine the success or weaknesses of your vineyard IPM strategy. While harvest is an extremely busy time, it would be well worth the effort to return to areas of your vineyard operation (when there is a break in the action) where you noticed a problem to get a better handle on what is happening. While this may seem like another task added to the lengthy list of things that must be done at this time of year, the hardest part is getting started doing it. Once you have implemented it into the harvest routine it will become second nature and provide you with invaluable information this winter when planning next year's IPM strategy.



LERGP Website Links of Interest:

Table for: Insecticides for use in NY and PA:

<http://lergp.cce.cornell.edu/submission.php?id=69&crumb=ipm|ipm>

Crop Estimation and Thinning Table:

http://nygpadmin.cce.cornell.edu/pdf/submission/pdf65_pdf.pdf

Appellation Cornell Newsletter Index:

<http://grapesandwine.cals.cornell.edu/cals/grapesandwine/appellation-cornell/>

Veraison to Harvest newsletters:

<http://grapesandwine.cals.cornell.edu/cals/grapesandwine/veraison-to-harvest/index.cfm>

Go to <http://lergp.cce.cornell.edu/> for a detailed calendar of events.

Please remember to RSVP for those events that require one!





Lake Erie Regional Grape Program Team Members:

Andy Muza, (ajm4@psu.edu) Extension Educator, Erie County, PA Cooperative Extension, 814.825.0900

Tim Weigle, (thw4@cornell.edu) Grape IPM Extension Associate, NYSIPM, 716.792.2800 ext. 203

Kevin Martin, (kmm52@psu.edu) Business Management Educator, 716.792.2800 ext. 205

Luke Haggerty, (llh85@cornell.edu) Grape Cultural Practices, 716.792.2800 ext. 204

This publication may contain pesticide recommendations. Changes in pesticide regulations occur constantly, and human errors are still possible. Some materials mentioned may not be registered in all states, may no longer be available, and some uses may no longer be legal. Questions concerning the legality and/or registration status for pesticide use should be directed to the appropriate extension agent or state regulatory agency. Read the label before applying any pesticide. Cornell and Penn State Cooperative Extensions, and their employees, assume no liability for the effectiveness or results of any chemicals for pesticide usage. No endorsements of products are made or implied.

Cornell University Cooperative Extension provides equal program and employment opportunities.

Contact the Lake Erie Regional Grape Program if you have any special needs such as visual, hearing or mobility impairments.

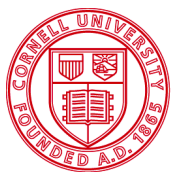
CCE does not endorse or recommend any specific product or service.

THE LAKE ERIE REGIONAL GRAPE PROGRAM at CLEREL

6592 West Main Road

Portland, NY 14769

716-792-2800



Cornell University
Cooperative Extension

PENNSTATE



College of
Agricultural
Sciences