

LERGP Crop Update

** March 31, 2016 **



Thank you to all who attended our 2016 annual Grape Grower Conference.



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.

2016 LERGP Coffee Pot Schedule

May 4- 10:00am Betts 7365 East Route 20, Westfield NY 14787
May 11-10:00am Ann & Martin Schulze-2030 Old Commer Rd. Burt NY 14028
May 18-10:00am John Mason 8603 W Lake Rd. Lake City PA 16423
May 25-10:00am Dan Sprague- 12435 Versailles Plank Rd. Irving NY 14081
3:00pm Peter Loretto-10854 Versailles Plank Rd. North Collins NY 14111
June 1-10:00am Phillip Baideme- 7935 Route 5, Westfield NY 14787
3:00pm Tom Meehl Cloverhill Farm 10401 Sidehill Rd North East PA 16428
June 8-10:00am Earl & Eileen Blakely 183 Versailles Rd. Irving NY 14081
3:00pm- Paul Bencal 2645 Albright Rd Ransomville NY 14131
June 15- 10:00am Leo Hans-10929 West Perrysburg Rd. Perrysburg NY 14129
3:00pm -Evan Schiedel/Roy Orton- 10646 West Main Rd. Ripley NY 14775
June 22-10:00am Archer Pratz 9210 Lake Rd North East PA 16428
3:00pm-Alicia Munch-761 Bradley Rd. Hanover NY 14136
June 29-10:00am Kirk Hutchinson-4720 West Main Rd. Fredonia NY 14063
3:00pm Fred Luke 1755 Cemetery Rd. North East PA 16428
July 6- 10:00am David C. Nichols Farm 1906 Ridge Rd. Lewiston NY 14092
July 13-10:00am Beckman Bros. 2386 Avis Dr. Harborcreek PA 16421
July 20-10:00am Brant Town Hall- 1294 Brant North Collins Rd. Brant NY 14027
July 27-10:00am Tom Tower 759 Lockport Rd. Youngstown NY 14174

Labor Law Issues for Employers

The growing season is not quite here but most growers are wrapping up hand pruning projects. As part of that wrap, we discussed labor supply, efficiency and development in the grower conference. One issue that came up following the formal discussion had to do with legal compliance.

One of the major barriers for the enforcement of labor standards is the failure of employees to complain. During a period of labor shortage when employee bargaining power increases, so does both legitimate and illegitimate labor disputes.

Misclassification of Employees

If it helps, you're not alone. Misclassification of employees is a standard industry practice to remain competitive and lower the cost of labor. The three most common misclassifications are contractors, interns and volunteers.

For farmers, contract laborers, this is an easy one. Farm laborers are not eligible for contract employment. Most employers deal with state/federal tests involving 20 – 40 factors. Basically it boils down to control of the person working for you. Not so for farmers, whether there is control or no control, farm labor is not eligible for contract unless you're contracting with a licensed entity. The penalties for misclassification include back wages, FICA, unemployment insurance, and fines. In the Lake Erie Regional there are no farm labor contractors. There are about 12 farms that bring in H2A employees for their own on farm use but do not have the required permits to apply for shared H2A employees.

We have not seen wineries and grape farms misclassify workers as interns. If it helps, case law on unpaid internships have recently relaxed standards in New York. The intern's labor may now benefit the company. However, the work must still be different from the work of normal laborers and provide an educational benefit to the intern.

We have, however, seen a misclassification of volunteers. The use of volunteers is typically restricted to not-for-profit businesses. Much like contracting farm labor this should be avoided entirely.

Written Labor Agreement

Farmers are still required to issue written labor agreements. In NY the requirements must satisfy general written labor agreement requirements as well as agricultural labor agreements. However, the redistribution of written labor agreements to continuing and existing employees is a requirement that is much less onerous than it was. NYS wage theft prevention used to require annual updates. Updates are now required only when wages change.

Minimum Wage

With the NYS minimum wage debate centered around the NYS budget, I was hoping I would have an answer today. Currently, PA exempts farmers from minimum wage rules. At \$7.25 per hour, the PA minimum wage is based on the federal minimum wage rules. NYS was much the same until somewhat recently. Farmers are no longer exempt from minimum wage rules. Minimum wage has been increased from \$7.15 in July 2009 to \$9.00.

Currently we see very little difference in the cost of farm labor in Erie County, NY and Chautauqua County, NY. Both scheduled and proposed changes in NYS minimum wage law will put employee pressure (and potentially legal requirements) to increase wages above current rates. How that impacts a neighboring county so close to NYS will be complicated. Theoretically, PA growers could still pay \$7.25 per hour, or less with their exemption. Practically speaking, if work just a few miles away pays double, that might present a challenge.

The original NYS budget plan was meant to rollout minimum wage in a way that mirrored the increases already mandated for fast food employees. That schedule looks like this:

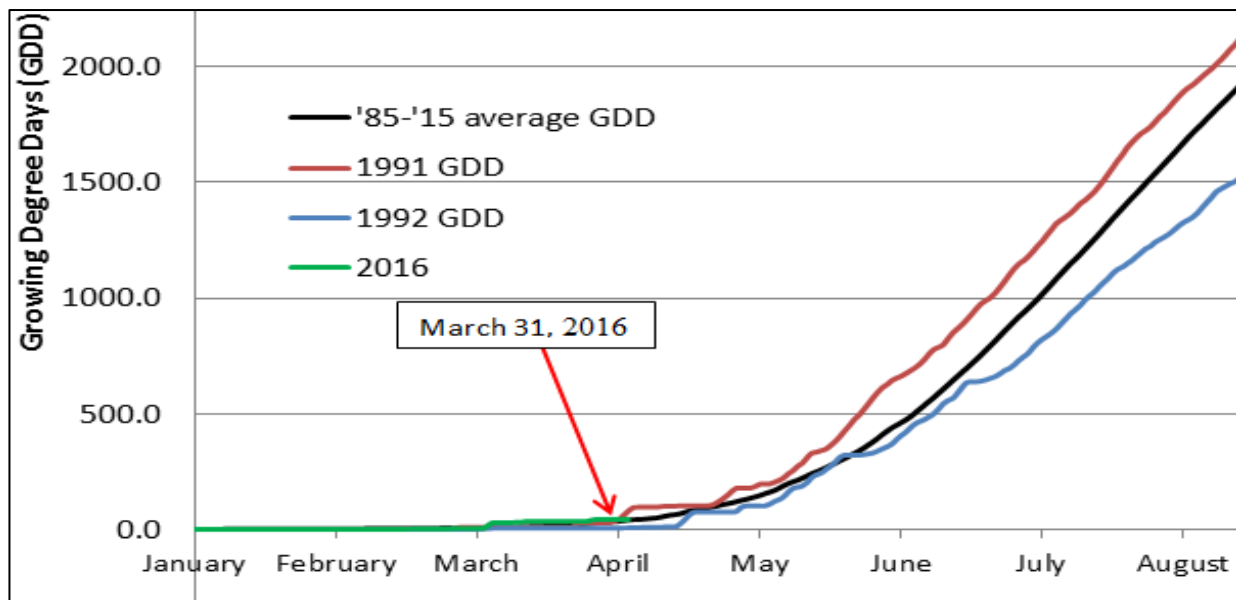
\$9.75 on Dec. 31, 2015;
\$10.75 on Dec. 31, 2016;
\$11.75 on Dec. 31, 2017;
\$12.75 on Dec. 31, 2018;
\$13.75 on Dec. 31, 2019;
\$14.50 on Dec. 31, 2020; and
\$15 on July 1, 2021.

The current schedule would be paused in 2018 at \$12.75, pending an economic analysis of the impact. The political debate surrounding this issue has become much more heated than Farm Bureau initially anticipated. At the very least, modifications to the original proposal will reduce at least some of the concerns.

Realistically, this would increase the cost of pruning to .42 - .5 cents per vine by 2021. Without a link between food prices and commodities, the increase in labor costs will eliminate hand pruning by 2021 in all sustainably profitable Concord vineyards. Reasonably priced hand-follow-up costs will increase from 13 cents per vine to 19 cents per vine. Not only would I work this into my business plan as a NY grower, I'd do the same in Erie county, PA. Unless there is a surplus of labor, they'll have the ability to negotiate similar rates of pay.

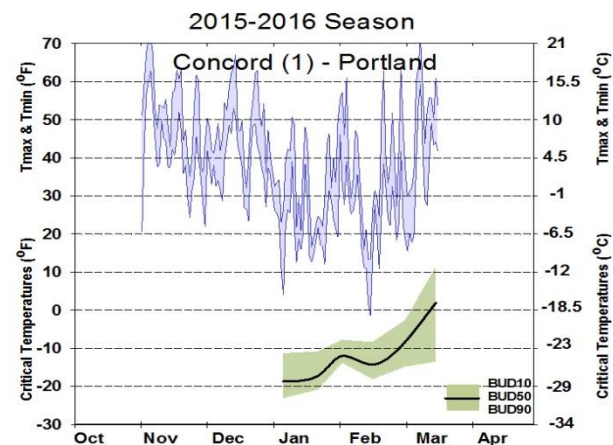
Back on Track

Data going back to 1970 the average date for 10% pink at Fredonia is April 18th and bud break on May 5th. The average Growing Degree Days (GDD) accumulation (starting Jan 1st) for 10% pink (April 18th) is 60 GDD and bud break (May 5th) 133 GDD. Currently (March 31st) we have accumulated 33.3 GDDs and the average for this time is 27.3 GDD. This puts us back on track and right at average. The 10 day forecast shows moderately cool temperatures where we should not accumulate any GDDs.



Bud Hardiness Data: The last samples of the year were sent off Monday (March 28th). Results showed another big jump as the vines deacclimate. Concord buds are currently hard down to the mid to upper teens. The table below shows the lethal temperatures for 10%, 50% and 90% bud mortality ([click here](#)) to see the bud hardiness website. The extended forecast predicts lows temps to be in the lower 20's next week. As long as temperatures stay out of the teens the buds should not be damaged.

Variety	LT10	LT50	LT90
Niagara	15.4	6.8	-3.8
Concord 1	16.2	9.6	-9
Concord 2	17	12.1	-5.8



News Release

Conservation Technology Information Center



CTIC champions, promotes, and provides information about conservation and sustainable agricultural systems that are beneficial for soil, water, air, and wildlife resources and are productive and profitable for agriculture.

Farmers Urged to Participate in CTIC, SARE and ASTA Cover Crop Survey



CTIC, 2013

A nationwide survey of farmers on cover crop use is seeking insight from growers around the country — whether or not they plant cover crops.

“This survey provides us with a great perspective on why farmers do or do not plant cover crops, what they expect to gain from the practice, and what their concerns are,” says Chad Watts, project director at the Conservation Technology Information Center (CTIC) in West Lafayette, Indiana, which administers the survey. “Results from the survey help guide policy, research and education on cover crops. In recent years, data from cover crop surveys has been used in testimony on Capitol Hill, featured in the New York Times, and cited in academic journals. People are very eager to hear how farmers view cover crops.”

The survey can be taken online at <http://tinyurl.com/ccsurvey2016> until May 1, 2016. All answers to the survey are anonymous, Watts points out. Participants who complete the survey — an easy process that takes no more than 15 minutes, and even less depending on your crop rotations and diversity — have the option of entering into a drawing for a \$100 gift card.

The project is the fourth annual cover crop survey conducted by CTIC in conjunction with USDA's Sustainable Agriculture Research and Education (SARE) program, and the American Seed Trade Association (ASTA) with help from Penton Media. Sponsors within ASTA include Albert Lea Seed, CHS, The CISCO Corporation, LaCrosse Seed, Mountain View Seed, Allied Seed, Curtis & Curtis Inc., Grassland Oregon, Justin Seed and Seedway.

Anyone interested in seeing results from the 2013, 2014 or 2015 crop year surveys and other related projects, [click here](#). Also, please visit our website www.ctic.org.

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The Conservation Technology Information Center (CTIC) is a national, public-private partnership that champions conservation agriculture and serves as a clearinghouse for information on conservation farming issues and practices, as well as a facilitator for training and workshops. For more information, visit www.ctic.org.

Orange Slime is Back

Scott Ebert, extension technician, reported seeing orange growth associated with large pruning wounds while collecting canes in local vineyards for a bud hardiness study. While it may look disturbing, it has no impact on the vine itself. According to an article by Wendy McFadden-Smith, Tender Fruit & Grape IPM Specialist with OMAFRA, when this type of orange slime was looked at in the past they found a number of fungal species and a yeast present. None of which have been shown to cause disease problems in grapes (*Fusarium spp.*, *Epicoccum nigrum* and *Aureobasidium spp.*).

The fungi appear to be present in the air, or on the bark of the trunk, and they readily take advantage of the water and food (carbohydrates) found in the free flowing sap once large cuts are made in a trunk. Why don't we see it each year? It is probably always out there somewhere, just at levels we do not notice. In years where it is prevalent, like with any other fungus, weather conditions play a big role in how quickly a fungus gets established and spreads. It is likely that the warm wet periods we have experienced this late winter/early spring have provided the conditions for orange slime to take off.

There is no need to treat for orange slime as it does not attack any portion of the vine or green tissue once the vine starts growing. If experience tells us anything, it is that the orange slime will dry up and disappear with reduced sap flow after the wound heals and with the appearance of sunshine and drier weather.



LERGP Website Links of Interest:



Check out our new Facebook page!!

Cornell Lake Erie Research & Extension Laboratory Facebook page

<https://www.facebook.com/Cornell-Lake-Erie-Research-and-Extension-Laboratory-678754995584587/?fref=ts>

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-cor>

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, registration, membership, and to view past and current Crop Updates and Newsletters.



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Lake Erie Regional Grape Program Team Members:

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

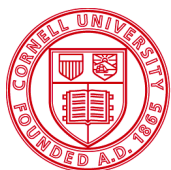
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Contact the Lake Erie Regional Grape Program if you have any special needs such as visual, hearing or mobility impairments.

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THE LAKE ERIE REGIONAL GRAPE PROGRAM at CLEREL
6592 West Main Road
Portland, NY 14769
716-792-2800



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