Crop Update - April 9, 2020

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How to join a Zoom meeting video (1 minute):
https://www.youtube.com/embed/vFhAEoCF7jq?rel=0&autoplay=1&cc_load_policy=1

Joining and Configuring Audio & Video (1 minute):
https://www.youtube.com/embed/HqncX7RE0wM?rel=0&autoplay=1&cc_load_policy=1

Read through this edition of the Crop Update for several opportunities and instructions of how to join on-line meetings, visit virtual office hours and stay in touch with us!
New York Pesticide Certification and Business Registration during Pause-NY

Note: Information listed below from NYSDEC references Executive Order 202 (https://www.governor.ny.gov/news/no-202-declaring-disaster-emergency-state-new-york). That emergency order currently has an expiration date listed as September 7, 2020 but as indicated below that is a date that could be extended.

We’ve received a few questions about New York State pesticide applicator certification/recertification during the Covid-19 crisis.

The following information is from the New York State Department of Environmental Conservation’s Bureau of Pesticides Management website (www.dec.ny.gov/chemical/298.html):

Pesticide Certification and Business Registration during Pause-NY: DEC is taking the following actions to temporarily allow regulatory flexibility and continued pesticide application and business operations during Pause-NY due to the unique conditions facing New York and the entire nation.

Certification Exams
In light of the Governor’s Directive for all non-essential state workers to continue to work from home through April 29th due to concerns with the coronavirus outbreak, at this time all certification exams currently scheduled through the end of April will be cancelled. The cancellations are necessary to attempt to protect the health and safety of those people seeking pesticide certification by examination, as well as DEC staff administering the exams. DEC will re-evaluate the situation in late April to determine if additional exams would need to be cancelled. DEC will also explore other ways to conduct exam sessions when scheduling resumes in order to accommodate such social distancing and other protective practices.

Recertification
Certified applicators and technicians are required to have a valid certification ID card in their possession in order to work. Many of them will not be able to obtain the continuing education credits required for recertification because all classroom courses are cancelled in the near term. Additionally, the only other method of qualifying for recertification, via a recertification exam, is not an option because the certification exam sessions through the end of April will be cancelled. There is computer-based training available, but that is not a good option for people in remote parts of the state or those who do not have access to computers or are not computer proficient. Enforcement discretion is being pursued to delay enforcement of the pesticide certification period.

At this time, DEC will allow any applicator whose certification lapsed on or after November 1, 2019, to continue to operate until 60 days after the expiration of Executive Order 202 and any extensions issued to it. Penalty training credits that would otherwise be required for these applicators, will also be waived. This extension will allow time for courses to start opening back up, recertification exams to become available, and for staff to keep pace with pending applications.
DEC will re-assess the situation periodically to determine if this allowance for certifications will need to be extended further. Certified applicators for whom this extension applies can carry a copy of the enforcement discretion letter along with their ID card to show customers, inspectors, commercial permittees, and others, as necessary, that they are still allowed to operate.

**Business Registration**

DEC will allow businesses and agencies whose registrations lapsed on or after March 1, 2020, to continue to operate during the current crisis, until 60 days after the expiration of Executive Order 202 and any extensions issued to it. This allowance for business registration expiration shall also apply to the expiration date on the pesticide application equipment/vehicle decals. The equipment/vehicle operator can carry a copy of the enforcement discretion letter as part of their proof that they are still allowed to operate.

Even though we will allow these applicators with expired certifications and businesses and agencies with expired registrations to continue to operate during this time, pesticide applicators and pesticide businesses are encouraged to submit their recertification and business registration renewal information to the DEC as soon as possible to avoid any future delays in the processing of these items. This action will not change recertification dates and when the recertification paperwork is completed applicants will remain on their current recertification cycle.

**Pay your Pesticide Applicator/Technician Certification and Business/Agency Registration Application Fees Electronically Online:** You can now pay your pesticide certification and business/agency fees electronically. Please do not submit a check with your application. After reviewing your application, we will mail you an invoice that you can pay via electronic check, debit card or credit card. Note: Certain payment types incur related transaction fees. Please visit the On-Line Invoicing section of the Doing Business with DEC webpage, the Pesticide Applicator/Technician Certification webpage, or the Business/Agency Pesticide Information webpage for more information regarding electronic payments.

Link to New York State Department of Environmental Conservation Enforcement Discretion for Extension of Pesticide Applicator Recertification and Business and Agency Registration during the COVID-19 Emergency letter:


**Virtual Office Hours Trial**

The extension team has scheduled Virtual Office Hours on Mondays from 10:00 AM to 12:00 PM and Thursdays from 1:30 PM to 3:30 PM. During these hours you can join the already in progress Zoom meeting for as long as you need to get some questions answered. In efforts to reach our grower audience that may not be able to join during the already scheduled hours, the addition of Viticulture Questions on Thursday mornings from 7:30-8:30 AM with Jennifer Phillips Russo and Grape Business Management Questions on Wednesday evenings from 7-8 PM with Kevin Martin will be added starting the week of April 13, 2020. These additional office hours are on a trial basis to assist our growers during this pandemic time, but please remember that we can always be reached via email or cell.

The team consists of Jennifer Phillips Russo, LERGP Viticulture Extension Specialist, Kevin Martin, Business Management Specialist, and Andy Muza, IPM Extension. The team is planning to continue to hold these meetings until we are able to meet face to face again. We encourage all grape growers
with questions to come and ask! The growing season will not wait, and we know there will be questions.

To access these Zoom meetings with a PC, Mac, Linux, iOS or Android go to https://psu.zoom.us/j/8757764969. If using an iPhone one-tap (US Toll): +16468769923,8757764969# or +13126266799,8757764969#

Or to call in dial:
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+1 312 626 6799 (US Toll)
+1 669 900 6833 (US Toll)
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+1 346 248 7799 (US Toll)
Meeting ID: 875 776 4969
International numbers available: https://psu.zoom.us/u/aWuWELGMj
Meeting ID: 875 776 4969
SIP: 8757764969@zoomerc.com
Paid Sick Leave Refundable Credit

This is a two-part program that includes both paid sick leave and an expansion of family medical leave act. Most importantly, this expansion includes employers with less than 50 employees. Exceptions for small businesses are complicated and not something I would recommend unless absolutely necessary. Most small businesses looking for hardship exceptions are hiring legal representation to minimize the risk of litigation. Also, all of this paid sick time is related to Covid-19, so it is a temporary program. All of the businesses paying Covid-19 leave will be reimbursed by the federal government.

The program requirements include central posting of the benefit. Compliant posters can be found at these links and are in this Crop Update for your viewing.


1. the employee is under a Federal, State, or local quarantine or isolation order related to COVID-19;
2. the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. the employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
5. the employee is caring for the child of such employee if the school or place of care of the child has been closed, or the child care provider of such child is unavailable, due to COVID–19 precautions;
6. the employee is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Rates of paid sick leave vary based on the category or reason for the absence. Very new or brand new employees are eligible for leave, depending on leave type. Business will be reimbursed for Covid-19 sick pay and family leave.
The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- **Two weeks (up to 80 hours) of paid sick leave** at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- **Two weeks (up to 80 hours) of paid sick leave** at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and

- **Up to an additional 10 weeks of paid expanded family and medical leave** at two-thirds the employee’s regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[1] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

**Eligible Employees:** All employees of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. Employees employed for at least 30 days are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19. [2]

**Notice:** Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

### Qualifying Reasons for Leave

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

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[1] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).

DURATION OF LEAVE

For reasons (1)-(4) and (6): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

CALCULATION OF PAY [3]

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to $511 per day and $5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $12,000 in the aggregate (over a 12-week period). [4]

RESOURCES

For additional information or to file a complaint:

1-866-487-9243 | TTY: 1-877-889-5627
dol.gov/agencies/whd

[3] Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

[4] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.
La Ley Familias Primero de Respuesta al Coronavirus (FFCRA o Ley) requiere que ciertos empleadores provean a empleados licencias laboral pagadas o expansión de la licencia familiar y por enfermedad por razones especificadas y relativas al COVID-19. La División de Horas y Salarios (WHD) del Departamento de Trabajo (Departamento) administra y se encarga del cumplimiento de los requerimientos de licencia laboral pagada de la nueva Ley. Sus provisiones aplicarán desde su puesta en vigor hasta el 31 de diciembre del 2020.

Generalmente, la Ley establece que los empleados de empleadores cubiertos son elegibles a: [2]

- **Dos semanas (hasta 80 horas) de licencia pagada por enfermedad a la tasa regular de pago del empleado** cuando el empleado no pueda trabajar por estar en cuarentena (de acuerdo a orden del gobierno Federal, Estatal, o local, o por dictamen de un proveedor de cuidados de la salud), y/o por estar teniendo síntomas de COVID-19 y requiriendo diagnóstico médico; o

- **Dos semanas (hasta 80 horas) de licencia pagada por enfermedad a dos-tercios de la tasa regular de pago del empleado** cuando el empleado no pueda trabajar en base a una causa justificable de necesidad por cuidar a un individuo sujeto a cuarentena (de acuerdo a una orden del gobierno Federal, Estatal, o local, o por dictamen de un proveedor de cuidados de la salud), o por cuidar a un hijo (menor de 18 años) cuya escuela o proveedor de cuidado está cerrado o no disponible, por causas relacionadas al COVID-19, y/o el empleado esté experimentando una condición sustancialmente similar a la especificada por el Secretario de Salud y Servicios Humanos, en consulta por los Secretarios del Tesoro y de Trabajo; y

- **Hasta 10 semanas adicionales de expansión pagada de la licencia familiar y por enfermedad a dos-tercios de la tasa regular de pago del empleado** donde el empleado, que ha estado contratado al menos 30 días laborales, no puede trabajar debido a una causa justificada de necesidad de licencia para cuidar de un hijo cuya escuela o proveedor de cuidados está cerrado o no disponible por razones relacionadas al COVID-19.

**Empleadores Cubiertos:** Las provisiones de licencias pagadas por enfermedad y de expansión de la licencia familiar y por enfermedad de la FFCRA aplican a ciertos empleados públicos, y empleadores privados con menos de 500 empleados. [1] La mayoría de los empleados del gobierno federal están cubiertos bajo el Título II de la Ley de Ausencia Familiar y Médica, que no fue repasada por esta Ley, y por ello no están cubiertos por las provisiones de expansión de la licencia familiar y por enfermedad de la FFCRA. Sin embargo, los empleados federales cubiertos por el Título II de la Ley de Ausencia Familiar y Médica están cubiertos por la provisión de licencia laboral pagada.

Las pequeñas empresas con menos de 50 empleados podrían cualificar para la exención del requerimiento de tener que proveer licencias debido a cierres escolares o no disponibilidad de cuidado infantil si los requerimientos para la licencia afectaran la viabilidad del negocio.

**Empleados Elegibles:** Todos los empleados de empleadores cubiertos son elegibles para dos semanas de licencia pagada por enfermedad por razones especificadas en relación al COVID-19. Empleados en nómina por al menos 30 días son elegibles por hasta 10 semanas adicionales de licencia pagada para cuidar a un hijo bajo ciertas circunstancias relativas al COVID-19. [2]

**Aviso:** Cuando la licencia sea previsible, un empleado debe notificar el empleador al menos de 7 días laborales. Después del primer día laboral en licencia pagada por enfermedad, un empleado podrá requerir a empleados que sigan procedimientos razonables de avisos para poder continuar recibiendo tiempo pagado por enfermedad.

> **Razones Calificables para la Licencia:**

Bajo la FFCRA, un empleado no puede trabajar (o no puede trabajar remotamente) debido a su necesidad de licencia porque el empleado:

1. está sujeto a una orden de cuarentena o aislamiento Federal, Estatal, o local relacionada al COVID-19;
2. ha sido instruido por un proveedor de servicios de salud que se ponga en cuarentena por COVID-19;
3. está experimentando síntomas de COVID-19 y está solicitando diagnóstico médico;
4. está cuidando a una persona sujeta a una orden descrita en (1), o en cuarentena tal y como se describe en (2);
5. está cuidando a un hijo cuya escuela o lugar de cuidados está cerrado (o cuidados infantiles no están disponibles) por razones relativas al COVID-19; o
6. está experimentando otras condiciones sustancialmente similares a las especificadas por el Secretario de Salud y Servicios Humanos, en consulta con los Secretarios del Tesoro y de Trabajo.

Bajo la FFCRA, un empleado cualifica para una expansión de la licencia familiar y por enfermedad si el empleado está cuidando a un hijo cuya escuela o lugar de cuidados está cerrado (o el proveedor de cuidados infantiles no está disponible) por razones relativas al COVID-19.

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**Duración de la Licencia**

Por razones (1) - (4) y (6): Un empleado a tiempo completo es legible a 80 horas de licencia, y un empleado a tiempo parcial ese legible por el número de horas de licencia que el empleado trabaja en promedio durante un periodo de dos semanas.

Por razón (5): Un empleado a tiempo completo es legible a hasta 12 semanas de licencia (dos semanas de licencia pagada por enfermedad seguidas por hasta 10 semanas de expansión pagada de licencia familiar y por enfermedad) de 40 horas por semana. Un empleado a tiempo parcial es elegible a una licencia por el número de horas que en empleado normalmente trabajaría durante ese periodo.

**Cálculo del Pago** [3]

Por razones de licencia (1), (2), o (3): los empleados que tomen licencia tienen derecho a pago en base a su tasa regular, o al salario mínimo aplicable, el que sea más, por una cantidad de hasta $511 por día y $5,110 en agregado (por un periodo de dos semanas).

Por razones de licencia (4) o (6): los empleados que tomen licencia tienen derecho a pago a 2/3 de su tasa regular o 2/3 del salario mínimo aplicable, el que sea más, por hasta $200 por día y $2,000 en agregado (por un periodo de dos semanas).

Por razón de licencia (5): los empleados que tomen licencia tienen derecho a pago a 2/3 de su tasa regular o 2/3 del salario mínimo aplicable, el que sea más, por hasta $200 por día y $12,000 en agregado (por un periodo de 12 semanas). [4]

**RECURSOS**

Para información adicional o para presentar una queja:

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dol.gov/agencies/whd

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[3] Tiempo pagado por enfermedad bajo esta Ley no para de un año al siguiente. Los empleados no tienen derecho a remuneración por licencia no usada una vez terminen el empleo, lo dejen, se jubilen, o cualquier otra separación al empleo.

[4] Un empleado podrá optar por sustituir tiempo acumulado de vacaciones, licencia personal, o licencia médica o por enfermedad, por las dos primeras semanas de licencia parcial pagada bajo esta sección.
Growing degree days (gdds) here by the lake are accumulating at a modest pace so far this spring; we accumulated about 20 gdds in March (about average) and only 2.5 so far in April. With the mild winter we’ve had, I’ve been concerned about an early bud break, and the increased threat of damage from late frosts, for quite some time. But the April forecast looks cooler than average, so who knows?

On our side, is the fact that the date of the last spring frost is trending earlier and earlier. We know this because we recently had a Penn State Behrend student, Kara Dobson, pull together and publish nearly 70 years of weather data collected here at our location and several other locations along the southern shore of Lake Erie (within 10 miles of the lake) and farther inland (30-50 miles from the lake), from Sandusky OH to Buffalo NY. What she found was very interesting and unmistakable; over that nearly 70 year period, the last spring frost date is trending earlier and the first fall frost date is trending later. In the abstract of her paper, she states “We found that, for both coastal and inland regions, the first frost in the fall has begun later, while the last frost in the spring has begun earlier, leading to both regions (coastal and inland) experiencing longer frost-free seasons. However, although both regions have experienced these shifts, the rate at which these shifts occurred differed between the coastal and inland regions. The average date that the frost events occurred also differs between the two regions. It was also found that average temperatures have been increasing for each region, primarily in coastal regions, due to increased minimum temperatures over time”.

This means growing seasons have been getting longer over that period. Oh, there’s variations along the way, but the ‘trend’ is very clear, and with a little luck, we may escape the damage from late frosts this spring. More on this in future crop updates.

And now for some info on our first disease issue during early shoot growth: **Phomopsis cane and leaf spot.** This information was borrowed from my grape blog post that I wrote back in June of 2017 (2017 Summer disease management review; https://psuwineandgrapes.wordpress.com/2017/06/16/2017-summer-disease-management-review/). This disease is caused by the fungus, *Phomopsis viticola.* Prolonged wetting/rainfall during the early shoot growth stages (late April/early May) are the conditions that favor the development of Phomopsis. Infection period(s) during the 1-3” and 3-6” shoot stages can leave scabby black lesions and cankers on the first few nodes/internodes of shoots and on inflorescences. Those infections on inflorescences can result in problems with fruit rot after veraison (months after the infection period took place!). Fruit are generally at risk of new infections until a couple weeks or so after bloom, but infections of the cluster stem tissue that occur in the early pre-bloom period can move into berries during ripening and cause fruit to rot and shed before harvest. The concentration of heavy infection at the base of the oldest internodes, may result in large scabby areas that weaken the shoot (Figure 1) and green shoots that are severely infected are more apt to break under windy conditions. Leaf infections appear as pinhead sized black spots surrounded by a yellow halo (Figure 2). These infections appear to be of little consequence, other than revealing the presence of the pathogen. Lesions on cluster stems are black and sunken and can girdle parts of the cluster rachis causing the cluster or parts of the cluster to break off or shrivel.
Fig. 1 Numerous lesions concentrated at the base of the oldest internodes result in larger scabby areas that weaken the shoot.

Fig. 2 Leaf infections of Phomopsis cane and leaf spot on Concord grape.

When berries are infected, they can remain symptomless until ripening when they turn brown and become studded with small pimple-like fruiting structures of the fungus (Figure 3) often resembling black rot infected berries.

Fig. 3 Phomopsis fruit rot on ripe Vignoles and Niagara grapes.

However, even though direct fruit infection by both pathogens can occur during the same peak susceptibility period (bloom through 3-4 weeks after bloom), black rot fruit rot symptoms become observable while berries are still green, whereas Phomopsis fruit infections lay dormant until after ripening. Also, leaf symptoms of these two diseases are very different from each other and can be used to determine which pathogen(s) are present and most likely to have caused disease on nearby fruit.

**Cultural and chemical control:**

Hand pruning to remove dead wood and pruning stubs from the trellis removes much of the over-wintering inoculum of Phomopsis. For this reason, cane pruning (wine grapes) can reduce the disease compared to a cordon system that retains a maximum amount of older wood. Trellis systems that train shoots upward also reduce infections on the oldest shoot internodes and clusters. And of course,
the maintenance of an open canopy where fruit and other susceptible tissue dry out as quickly as possible after rainfall, will help minimize disease development. This is often why vineyards bordering woods or low areas in vineyards, are often hardest hit by Phomopsis (and other fungal diseases too). For wine grapes, fruit zone leaf removal and shoot thinning reduce canopy density, hasten drying after rainfall, and improve fungicide penetration and coverage of the fruit.

Phomopsis management with fungicides should continue through the first or second post bloom spray, after which inoculum of the fungus is generally spent. Strobilurins, mancozeb products, Captan, and Ziram are generally the only effective materials for Phomopsis control. Some formulations of sterol inhibitor fungicides claim Phomopsis control, but their level of efficacy is still under question and would not be recommended for management of this disease.
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