



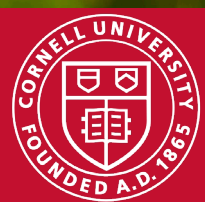
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Kim Knappenberger*

LERGP Crop Update September 26, 2024

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Lake Erie Regional Grape Program



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Business Management

Andrew Holden, Business Management Educator, Penn State University, LERGP

Reminder From New York State Agriculture Commissioner: Deadline Approaching For Refundable Farm Employer Overtime Tax Credit Advance Application

Source: <https://agworkforce.cals.cornell.edu/2024/09/25/reminder-from-new-york-state-agriculture-commissioner-deadline-approaching-for-refundable-farm-employer-overtime-tax-credit-advance-application/>

The following announcement was shared from the New York State Department of Agriculture and Markets.

Applications for Advance Certificate Due Monday, September 30, 2024

Eligible Farmers May Apply for Reimbursement for Overtime Paid Between January 1 to July 31, 2024

New York State Agriculture Commissioner Richard A. Ball today reminded eligible farm employers that they may still apply to the Department for a certificate of advance payment so they can receive reimbursement from the Department of Taxation and Finance for eligible overtime paid to their employees between January 1, 2024 to July 31, 2024. The Farm Employer Overtime Credit was announced by Governor Hochul in her [2022 State of the State pledge](#) to help farmers meet the challenge of farm labor costs and ensure that farm employers can continue to support their workers while reducing their tax burden. **Applications to receive a certificate for the advance reimbursement are due September 30, 2024.** Additional information is available at <https://agriculture.ny.gov/farming/farm-employer-overtime-credit-advance>.

New York State Agriculture Commissioner Richard A. Ball said, “The State launched the Farm Employer Overtime Credit program to support New York’s agricultural community, helping ensure that our farm businesses have the resources they need to support their workforce while meeting their food production goals. I urge all eligible farm employers to apply for a credit certificate from the Department by September 30 to take advantage of this mid-year opportunity to cover the cost of overtime and continue their great work supporting our farmers and our families.”

The Farm Employer Overtime Credit is a refundable tax credit available for eligible farm employers who paid overtime wages between January 1, 2024 to July 31, 2024, based on the gradual phase-in of the overtime threshold in New York State. Farm employers who have registered in the online portal at taxcredit.agriculture.ny.gov, entered eligible employee overtime information, and signed an attestation that they meet eligibility requirements, may submit their application to the Department for a certificate of advance payment of eligible overtime paid between January 1 to July 31, 2024.

Applications for a certificate of advance payment must be submitted to the Department by September 30, 2024. After eligibility review, the Department will issue a certificate to each approved farm employer. With a certificate of advance payment, the approved farm employer’s owner(s), partners or shareholders can then request their share of the advance payment from Department of Taxation and Finance (DTF). Each of the farm’s owners, partners or shareholders who wants to receive their portion of the credit advance must apply individually. This request must be made no

later than November 1, using the [online services](#) account at DTF's website.

Farmers may apply for this refundable credit if they (or their business):

- are an [eligible farmer](#); and
- employ eligible farm employees that were paid eligible overtime.

Receiving the advance credit payment is not mandatory. Farm employer's owner(s), partners or shareholders can choose to claim any eligible overtime paid for the entire year (including the January 1 – July 31 period) when they file their final tax return with DTF. Between the advance payment and months claimed on their return, eligible farm employers will receive a full 12 months of the Farm Employer Overtime Credit.

A user guide to assist farmers in the application process for an advance certificate is available at agriculture.ny.gov/user-guide-farm-employer-overtime-credit-advance.

Earlier this year, the State [encouraged farmers to prepare to apply](#) for an advance payment by taking the following steps:

- Ensuring that they are registered for a [NY.gov ID through My.NY.gov](#).
- Taking the [farm employer eligibility assessment](#) to establish if they (the farm employer) expect to meet the eligible farmer income requirements for their tax filing type at the end of the tax year.
- Discussing the program with their tax and payroll advisors to ensure they kept necessary records during the January 1 – July 31 period this year.
- Registering their farm in the online portal at taxcredit.agriculture.ny.gov.
- Optionally, choosing to delegate authority to a representative (e.g., a tax preparer), who may complete and submit the application on the farm employer's behalf later in the year.

Additional information and resources are available on the Department's website [here](#) and the DTF website [here](#). Questions may be directed to farmOTadvance@agriculture.ny.gov or [\(518\) 457-7076](tel:(518)457-7076).

Senator Michelle Hinchey said, "Despite national challenges that all too often put New York farms at a competitive disadvantage, we won't let local food access collapse. That's why we fought to create the Farm Employer Overtime Tax Credit, which covers farm employers' overtime costs. We're committed to getting this critical funding to our farmers, and we urge them to apply by September 30th so they don't miss out on these overtime subsidies."

Assemblymember Donna Lupardo said, "With the deadline less than a week away, I am strongly urging NY farmers to apply for the Farm Employer Overtime credit, if they have not done so already. This tax credit is intended to lessen the impact of increased overtime wages on farm operators. Help remains available for those who need assistance working through the process."

The Farm Employer Overtime Credit was created by Governor Hochul as part of her [2022 State of the State pledge](#) to help farmers meet the challenge of farm labor costs, which are among the fastest-growing costs of agricultural production in New York. The plan created a permanent refundable tax credit on overtime hours for any size farm in New York State to offset increasing costs to farmers. Governor Hochul additionally increased an existing workforce tax credit and expanded an [investment tax credit](#) for equipment to complement the workforce and address shortages.

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Viticulture

Jennifer Russo, Viticulture Extension Specialist, LERGP

In the Vineyard:

The weather has definitely changed as of the end of last week. It was like there was a switch and our beautifully dry weather took a turn. Table 1 shows the Average Air Temp, the High and Low for each day, Total Precipitation, Relative Humidity in hours, and Solar Radiation for each day from September 15, 2024, through today (before noon), September 26, 2024. Even though it would appear that the average temperatures for each week are similar, they differ in the highs and lows. Last week the average high temperature was 77.8°F and this week it was 72.8 °F, while the nights were cooler last week with an average of 60.8°F compared to 63.0°F this week. Keep in mind that last week's data has 7 days and this week's only 4.5. The total precipitation last week was 0.04 inches and in three and half days this week we accumulated 0.85 inches. The weather forecast does predict that we should dry out a bit in the Portland, NY area, but it will remain cloudy. Hopefully this will help some of our growers hit with frost as they drive around looking for grapes to keep added water out.

I realize that the April Frost Event was unprecedented to many of our growers, and some made decisions to pull back on certain vineyard operations due to the lack of crop, but please make note of the disease problem areas where inoculum is heavier this year. This can go a long way next season when making spray decisions. For those hit by the event, this has been a great year to build vine size and for the fruitfulness of the vines next season. The root base for those vines should be in great shape to support the initial growth next season, and Concord growers should consider a fertilizer program to go on around bloom along with or around the same time as your immediate pre-bloom sprays to support heavier crops next year. If you are growing wine grapes and were hit by the frost this season, then you may consider possibly dialing back on amendment programs next season to avoid bull wood, since cropping levels are historically lower for quality standards.

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Table 1. NEWA Weather Data comparing last week to this week in Portland, NY

date	Avg Air Temp (°F)	Max Air Temp (°F)	Min Air Temp (°F)	Total Precipitation	Relative Humidity (hrs >= 90)	Solar Radiation (langleys)
9/15/2024	71.3	80	62.7	0	0	421
9/16/2024	70.7	78.5	62.8	0	0	443
9/17/2024	67.8	78.1	57.6	0	0	416
9/18/2024	67.5	75.8	59.1	0	4	253
9/19/2024	67.2	74.8	59.6	0	14	300
9/20/2024	68.2	77.8	58.6	0	10	403
9/21/2024	72.5	79.4	65.5	0.04	1	332
	69.3	77.8	60.8	0.04	29	2568
9/22/2024	69	78.3	59.7	0	10	387
9/23/2024	69.4	74.3	64.5	0.12	14	172
9/24/2024	64.9	66.3	63.5	0.04	7	117
9/25/2024	68	71.4	64.5	0.62	5	118
9/26/2024	67	71	63	0.07	11	193
	67.7	72.3	63.0	0.85	47	987

I was visiting some of our wine grape vineyards in Niagara County this week and was pleased at how beautiful and disease free some of the varieties were. Please see the photos of Pinot Noir (Photo 1) and Saperavi (Photo 2).



1. Pinot Noir cluster photo from Niagara County September 25, 2024



2. Photo of Saperavi cluster in Niagara County on September 25, 2024

Our Week Five for Veraison to Harvest continued with collections on Monday, September 23, 2024. They are overnighed and processed by Chris Gerling and his team at the Cornell Craft Beverage Institute. The results for our region can be found in Table 2 below. There are only six varieties left that have not been harvested and I anticipate both Concord and Chardonnay to be gone by the next collection.

Table 2. The Lake Erie Grape Region Veraison to Harvest results for the week of September 23, 2024.

Region	Variety	9/23/2024 Berry Weight	9/16/2024 Berry Weight	9/23/2024 Brix	9/16/2024 Brix	9/23/2024 pH	9/16/2024 pH	9/23/2024 TA	9/16/2024 TA	9/23/2024 YAN	9/9/2024 YAN
LE	Concord	372.3	365.2	18.6	17.6	3.35	3.17	9.8	8.9	262	213
LE	Riesling	184.5	174.5	18.3	17.6	3.24	3.04	8.7	10.8	105	171
LE	Cabernet Sauvignon	144.7	150.1	20.5	19.4	3.21	3.08	9.4	11.2	139	148
LE	Lemberger	238.6	230.3	18.7	19.3	3.43	3.24	8.3	8.7	227	216
LE	Cabernet Franc	164.4	150.8	22.5	21.9	3.39	3.19	7.4	8.9	80	72
LE	Chardonnay	181.3	186.0	19.0	20.0	3.47	3.27	7.8	8.3	198	215
LE	Gewurztraminer	HARVESTED	178.7	HARVESTED	21.6	HARVESTED	3.48	HARVESTED	6.0	HARVESTED	128
LE	Elvira	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	125
LE	Niagara	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	176
LE	Seyval blanc	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	173
LE	Marquette	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED
LE	Vignoles	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	HARVESTED	218

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PA Update

Megan Luke, Penn State Extension Viticulture and Tree Fruit Educator

PA Update

Alert: The comment period regarding label changes to mancozeb is open, and comments are due by October 16th. This is due to industry feedback, which demonstrates the power of your collective feedback on these issues!

Mancozeb- has been added to the pesticide review process and has a docket number. Currently, all applications in grapes are being removed from the label, and registration of this chemistry will be canceled ONLY for grape production and seed applications in other cropping seasons.

Our industry has rallied to demonstrate to the EPA the importance of maintaining this chemistry in our collective toolbelts of plant protection materials. This is accomplished by explaining the potential damages in mid-Atlantic and southeastern grape production if mancozeb is de-registered for grapevine application and by demonstrating the actions already taken to reduce the possible risks to farmworkers and the environment.

You can read comments that have already been posted: [here](#)

When you arrive on the comment page, select the “sort by” tab and choose “newest to oldest”. You will see comments by many wineries, pathologists (including Kari Peter from Penn State), the National Grape Alliance, and other familiar names.

You have the option to post anonymously if you would like to make a statement but are uncomfortable with using your name/business.

As a friendly reminder, impactful comments include:

- Anecdotes regarding the benefits of use
- Numbers and percentages where possible: for example, stating that skipping mancozeb in your spray program one year resulted in a 20% crop loss to black rot.
- Concerns around the loss of additional chemistries (cost or resistance issues)
- Practices that you already use that allow for the safe use of this chemistry
 - Mechanization
 - Timing of applications
 - Reduced rate from max allowed
- Possible changes that you would be willing to make to make applications safer

When commenting, avoid:

- Angry or abusive language
- Accusations- these changes are not due to malice

- Typos and grammar errors (We are happy to review your comment prior to submitting if requested!)

Our team is working diligently to mobilize efforts to respond to this issue and present an industry-wide unified front. We deeply appreciate your help in these efforts and will update as relevant.

Comment on changes to the mancozeb label: [here](#)

EPA Herbicide AND Insecticide Strategy Update

The EPA has released its final decision regarding herbicide use mitigation measures and changes to the re-registration and labeling process. In addition- the EPA has recently released a similar for ALL insecticide registrations and registration reviews that is similar in scope and execution to the herbicide strategy. Comment period for this docket is currently closed but there have been many requests for the comment period to be re-opened for an additional 90 days.

While the EPA has backtracked on some of the more complicated aspects of these new policies, several of the major changes will remain, specifically the requirement to check the Bulletins Live! 2 website before all herbicide and insecticide applications (when required by the label) and the requirement to include documented mitigation strategies when applying herbicides within a Pesticide Use Limitation Area (PULA) i. e. critical habitat for one or more endangered species.

Key takeaways:

- The EPA is working with the U.S. Fish and Wildlife Service to create maps of every endangered and protected species in the USA and their critical habitat. Currently, 8 total regions in the USA are designated as Pesticide Use Limitation Areas (PULAs), and this number and the ranges of these designated areas are subject to change.
- If your farming operation is within a PULA, you will be required to demonstrate compliance with “mitigation measures” as defined by the EPA
- Mitigation measures are outlined in a special bulletin on the EPA's Bulletins Live! 2 website and are required by law as an addendum to the pesticide label
 - Measures will include practices such as cover cropping, conservation tillage, drift reduction practices, contour farming, etc.
 - New buffer zone requirements will be implemented specific to PULA and the associated risk of the particular product in use
 - Determining buffer zone requirements can be challenging and technical
 - In some cases, specific measures MUST be employed and clearly described. In other cases, a farmer may demonstrate compliance by utilizing various methods specific to their operation AND recognized by the EPA as impactful.

- Every new herbicide and every herbicide due for re-registration will have a mitigation requirement added to the label
 - Herbicides and insecticides deemed higher risk may require more mitigation tactics to be in place at the time of use
 - Farmers MUST be able to demonstrate commensurate mitigation practices to the requirement on the label OR the Bulletins Live! 2 website (if located within a PULA) IN ORDER TO USE THE HERBICIDE
- All current information on PULAs and mitigation practices will be hosted EXCLUSIVELY on a website

Methods of enforcing these measures have not been widely discussed, and at this time, compliance will be checked as part of routine PDA or DEC inspections. A grant period recently closed which awarded funds to several government agencies to create methods for documenting compliance and implementation of required pesticide mitigation.

Herbicide strategy can be found here*: <https://www.regulations.gov/docket/EPA-HQ-OPP-2023-0365>

Insecticide strategy can be found here*: <https://www.regulations.gov/docket/EPA-HQ-OPP-2024-0299>

*Both dockets require downloading the strategy overview with an appropriate PDF viewer.

EPA's Bulletin Live! 2 Website can be found here: <https://www.epa.gov/endangered-species/bulletins-live-two-view-bulletins>

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