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# Fruit Notes

YOUR TRUSTED SOURCE FOR RESEARCH-BASED KNOWLEDGE

Cornell Cooperative Extension  
Lake Ontario Fruit Program



Volume 24 Issue 10 August 9, 2024

**Last Chance to Register for our 2<sup>nd</sup> Annual Western NY Fruit Grower Tour!  
Tuesday, August 13<sup>th</sup>, 2024**

**Co-Sponsored by the Cornell Cooperative Extension Lake Ontario Fruit Program  
& Lake Ontario Ag Consulting LLC**

Register Here: <https://lof.cce.cornell.edu/event.php?id=1915>

**\$10 pp, Online pre-registration closes Monday at 8 AM!**

**You can pay at the door, but for lunch counts we highly encourage pre-registering!**

**Follow Cornell Fruit Event Signs!**

**THANKS TO OUR SPONSORS!** (Continued on page 2 and 3)

## Chemical Level



Cornell Cooperative Extension is an employer and educator recognized for valuing AA/EEO, Protected Veterans, and individuals with Disabilities and provides equal program and employment opportunities.



## Chemical Level Sponsors



Knowledge grows

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## Equipment Level Sponsors



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## Donations and other contributions from:



**Bucolo Cold Storage**

Toussaint Farms, at their Ledge Rock Farm Location, 4362 S. Gravel Rd., Medina, NY 14103

8:30-9 AM – Check in

Program 9-9:50 AM, Stop Leader – Dr. Bonnie Nelsen, CCE-LOF

Welcome & Intros, – Craig Kahlke, CCE-LOF

Farm Leasing, Multi-generation, Growing field crops, Hispanic Farm Manager from Ledge Rock transition to Toussaint Farms leasing, Managing multiple farms for efficiency -Jeff Toussaint, and key employees

2-3 sponsor spots

9:55-10:20- travel to Zingler Farms (25 minutes)

Zingler Farms– 16603 Skillington Rd., Holley 14470

10:30-11:15, Stop Leader – Mario Miranda Sazo, CCE-LOF

Narrow, 2D plantings with limb tying, and training personnel to grasp detailed horticulture – Mike and Jimmy Zingler

2-3 sponsor spots

11:20-11:45 – Travel to Circle R Farm Market (25 minutes)

3. Circle R Farm Market, 13485 Roosevelt Hwy, Waterport, NY 14571

Lunch Stop/Visit with Sponsors/rest of sponsor spots 11:55 AM – 1:30 PM – Lunch Stop Leader – Craig Kahlke, CCE-LOF

During Lunch, Check-in for NYS attendees seeking recertification credits

Educational Stop Leader – Janet van Zoeren, CCE-LOF

1:30-1:40 PM – final check-in for NYS DEC credits

1:40-1:55 PM – Welcome, sponsor speaking spots, Marketing, Peaches – Bernie Heberle

1:55-2:10 pm – The fungus formerly known as Marssonina and other emerging diseases in NYS', Vaughn Gingerich, Lake Ontario Ag Consulting, Inc.

2:10-2:25 '[Identifying Novel Genetic Resistance to Apple Scab: A Promising Path to Increased Orchard Profitability and Sustainability](#)', Dr. Awais Khan, Cornell University

2:25-2:50 'Wet seasons and managing stone fruit and strawberry diseases with an emphasis on root rots' – Kerik Cox, Cornell University

2:50-3:10 'Optimizing installations of mating disruption for lepidopteran pests, and insecticide applications for woolly apple aphid', Dr. Monique Rivera, Cornell University

3:10-3:15 – Travel to Orchard Dale Fruit Farm (5 minutes)

Orchard Dale Fruit Farm - ~1494 Oak Orchard River Rd., Waterport, NY 14571

[3:25-4:30 pm, Stop Leader Craig Kahlke, CCE-LOF](#)

3:25 PM, Farm Intro - Bobby Brown, Orchard Dale Fruit Farm (incl. blossom thinning experience)

3:30 PM, Precision Crop Load Management for Apples (PCAMAN) SCRI Update & Overview, Dr. Terence Robinson, Cornell University

3:50 PM, Variable Rate Sprayer Technologies with Legasse/Munckhof/Aurea, Ross Gansz, Legasse Fabrication representatives will give an update about guided variable-rate spraying and other technologies

3:55 PM, Outfield will give updated on their drone technologies for PACMAN

4:00 PM, Outfield & Vivid Scans for Thinning Potential and Yield/Size Prediction , Dr. Brian Lawrence, Cornell University

4:20 PM, Q & A, Wrap-Up

Munckhof/Aurea/LaGasse representatives will give an update about guided variable-rate spraying and other technologies

4:30 PM ADJOURN & SAFE TRAVELS!

Timing/Schedule is subject to change slightly.

Register Here: <https://lof.cce.cornell.edu/event.php?id=1915>

# Update on New York Farm Labor Organizing

Bonnie Nelsen, Business Management Specialist, Lake Ontario Fruit Program

On February 21, 2024, a federal judge suspended most provisions of a temporary injunction against New York State’s Farm Laborers Fair Labor Protection Act (FLFLPA) (an injunction that prevented employers from stating their opinions about unionization was upheld). As a result, unions have been free to organize farmworkers since February 22, 2024. This article provides an update on union activity on New York farms and ongoing developments among farms that have already been certified (unionized).

## Union Organizing on New York Farms

Prior to the temporary injunction (pause) on union activity triggered by the employer’s lawsuit in October 2023, farmworkers on five New York Farms elected to join the United Farm Workers (UFW) union. Specifically, four apple farms and one vegetable farm located in Western New York and Hudson Valley were certified by the NYS Public Employment Relations Board (PERB). Certification processes, suspended during the temporary injunction, were resumed as of February 22, 2024. The PERB certified a sixth farm—an apple growing operation in Western New York—on May 2, 2024 (Guerrero, 2024, UFW<sup>1</sup>, 2024) and is reviewing union cards and documentation from a seventh farm. All six certified farms are members of the UFW.

The United Farm Workers isn’t the only union that’s been active on New York State farms. The United Food and Commercial Workers (UFCW) is a union that organizes grocery, food processing, retail, pharmacy, and distillery workers in the United States and Canada (UFCW, 2024). To date, the UFCW has organized a few farms on Long Island, including a grower of salad crops, a nursery, and several vineyards. Unlike the UFW, the UFCW has not enrolled temporary seasonal (H-2A) farmworkers as members.

## What About Collective Bargaining?

The decision lifting the temporary injunction allowed collective bargaining and union organizing to resume after a six-month hiatus. Union organizers began recruiting new members but bargaining did not proceed as expected on the farms certified with the UFW. The UFW claimed that farm employers were responsible for stalled negotiations:

“We are now negotiating with various employers to get the process back on track,’ said Armando Elenes, secretary-treasurer of the UFW, who is directly involved in the negotiations in New York. Still, growers are maneuvering to stall the talks. For example, growers are refusing to provide basic information such as a list of employees, in violation of the law, according to Elenes” (Guerrero, 2024). On May 2, 2024, the UFW requested NYSPERB to order the farm employers into binding arbitration to produce union contracts (UFW<sup>2</sup>, 2024).

## What is Binding Arbitration?

Under the FLFLPA, binding arbitration is the final step of resolving an impasse during contract negotiations (mediation is tried first). The process of binding arbitration is similar to a trial in that representatives of both parties in a dispute make opening statements and present evidence in an effort to “win” their party’s argument. But there are key differences between arbitration and a trial. Unlike court trials, arbitration occurs in private rather than public. And instead of a judge or jury, a final decision is issued by one or more arbitrators (a person officially appointed to settle disputes).

New York State’s Farm Laborers Fair Labor Protection Act specifies that arbitration is binding, meaning that the arbitrator’s decision is final, legally binding, and court-enforceable on all parties. The arbitration panel is made up of (PERB, 2024):

- One member appointed by the employer
- One member appointed by the employee’s union
- One public member selected jointly by both parties, who acts as chairperson

If the parties can’t agree on a chairperson, PERB will provide a list of arbitrators from whom the chairperson must be chosen.

The arbitration panel uses various activities to move past the deadlock. They can hold hearings, gather written and oral testimony in support of arguments, or refer an issue back to the parties for further negotiation. By majority vote, the panel will make a determination and award which is final and binding on all parties for a period of up to two years from the expiration date of a previous collective bargaining agreement (PERB, 2024). Because no agreements yet exist, the determination and award would be in effect for two years after being made by the panel.

## What's Being Negotiated?

The appeal for binding arbitration has prompted bargaining between organized workers and farm employers to resume on certified farms. As is typical in negotiations, each party begins by making an initial position/request, usually with the expectation that they will meet in the middle. The UFW's representatives have requested that farmworker wages be set several dollars above the H-2A adverse effect wage rate (AEWR), which is currently \$17.80 per hour in New York State.

Another critical aspect of negotiations is the UFW's desire to establish a "right to recall" in labor contracts, which means that workers who meet all contracted requirements should expect to be recruited back to the farm for the following season (UFW<sup>2</sup>, 2024). The United Farm Workers allege that Jamaican and Mexican workers have not been recalled because they voted for a union and participated in union organizing. The right to recall, which also creates a formal mechanism for workers to dispute their case if they believe they've been terminated or not recalled unfairly, is intended to "end brazen retaliatory practices used as an intimidation tactic to prevent workers from organizing (UFW<sup>2</sup>, 2024)".

## What Happens Next?

Negotiations between employees and employers will continue under the watchful eye of NYSPERB until labor contracts are completed. Because this is the first time that collective bargaining has taken place on New York farms, this process may take some time. The Lake Ontario Fruit Program will provide updates as the process unfolds.

## References

Guerrero, Maurizio (2024) "After historic union wins, farmworkers in New York face stiff resistance to organizing." Documented, retrieved from <https://documentedny.com/2024/05/08/farmworkers-farm-laborers-fair-practices-act-new-york/>

UFCW (2024) "Who we represent", United Farm and Commercial Workers, retrieved from <https://www.ufcw.org/who-we-represent/>.

UFW<sup>1</sup> (2024) "Farm workers who voted for UFW seek binding arbitration to win union contracts at five New York farms; state certifies UFW after workers voted at a sixth company." United Farm Workers, retrieved from: <https://ufw.org/farm-workers-who-voted-for-ufw-seek-binding-arbitration-to-win-union-contracts-at-five-new-york-farms-state-certifies-ufw-after-workers-voted-at-a-sixth-company/>

UFW<sup>2</sup> (2024) "UFW: Farm workers pursue contracts at 5 New York State farms." United Farm Workers, retrieved from <https://www.morningagclips.com/ufw-farm-workers-pursue-union-contracts-at-5-ny-farms/>

## Mark Your Calendar

<b>Meeting Title</b>	<b>2<sup>nd</sup> Annual Western NY Fruit Grower Tour</b>
<b>Date</b>	Tuesday, August 13 <sup>th</sup>
<b>Location</b>	Orleans County
<b>Cost</b>	Minimal thanks to sponsor support!
<b>Brief Description of Meeting/ Registration</b>	This is the second annual tour that we are co-hosting with Lake Ontario Ag Consulting, Inc. Stay tuned here, and in our email communications for more details as we get closer. See promo in this newsletter. Online pre-registration closed Monday at 8 AM! <b>You can pay at the door, but for lunch counts we highly encourage pre-registering!</b>  Register here: <a href="https://lof.cce.cornell.edu/event.php?id=1915">https://lof.cce.cornell.edu/event.php?id=1915</a>
<b>Meeting Title</b>	<b>9<sup>th</sup> CCE LOF Hispanic Summer Fruit Tour</b>
<b>Date</b>	Saturday, August 17 <sup>th</sup> 2024
<b>Location</b>	HH Dobbins Farm at the orchard located close to the following home address: 11647 Alps Rd, Lyndonville, NY14098 (GPS coordinates: 43.32632 N, 78.37387 W). Please follow the Cornell Fruit event signs from the homeowner mailbox until the first tour stop! The entire <b>3-hour tour</b> will be conducted at this orchard location and will include three educational stops in the Spanish language: (1) Horticulture by Mario, (2) IPM by Janet Van Zoeren and Sandra Lizarraga, (3) and labor efficiency by Mary "Bess" Lewis of Cornell Agricultural Workforce Development. The tour will start at <b>3pm and will finish at 6pm</b> . The tour will finalize with a <u>dinner celebration</u> at the nice <u>Russ Martino pavilion</u> of the Town of Yates (Figure 1) from <b>6pm to 7:30pm</b> . Mexican food and drinks will be catered by the Mariachi de Oro Restaurant of Medina with generous financial support provided by Farm Credit East.
<b>Cost</b>	Free
<b>Brief Description of Meeting/ Registration</b>	See article in our last newsletter (Issue 9). Pre-registration will be required, please <b>emailing a list of participants</b> with first name(s) and second last name(s)) plus a phone number from your organization to Mario ( <a href="mailto:mrm67@cornell.edu">mrm67@cornell.edu</a> ) or Janet ( <a href="mailto:jev67@cornell.edu">jev67@cornell.edu</a> ). Please contact Mario or Janet if you need more specifics about the tour or have any doubt.

<b>Meeting Title</b>	<b>Western NY Bilingual Soil Health &amp; Beneficial Fungi Meeting</b>
<b>Date</b>	Thursday, August 22nd 2024
<b>Location</b>	Orleans CCE, 12690 State Rte 31, Albion, NY 14411
<b>Cost</b>	Free, but spots limited!
<b>Brief Description of Meeting/Registration</b>	See flyer in this newsletter. Contact Mike Basedow (518-410-6823, <a href="mailto:mrb254@cornell.edu">mrb254@cornell.edu</a> ) with questions.



## WNY Bilingual Soil Health and Beneficial Fungi Meeting

**August 22nd, 2024 — 3-6PM**

Location:

CCE Orleans County, 12690 Rt 31, Albion, NY 14411

**Limited Attendance Register Now**  
**for this Free Event!**

<https://lof.cce.cornell.edu/event.php?id=1948>

**Scan QR**  
**code to**  
**register**



Join the members of CCE LOFP, CCE ENYCP, and Cornell Soil Health Program for a bilingual training on the basics of soil health, the potential benefits of mycorrhizal fungi, and an update on the current project status of our SARE grant on orchard mycorrhizal products.

### Agenda

- 3:00 PM - The basics of orchard soil health
  - (Concurrently presented in English with Dr. Deborah Aller and Spanish with Mario Miranda Sazo)
- 4:00 PM - The basics of soil mycorrhizae in New York apple orchards
  - (Concurrently presented in English with Mike Basedow and Spanish with Mario Miranda Sazo)
- 5:00 PM - Refreshments and Socializing until 6PM

All programming will be given in both English and Spanish

This meeting is based upon work supported by the National Institute of Food and Agriculture, U.S. Department of Agriculture, through the Northeast Sustainable Agriculture Research and Education program under subaward number LNE23-472R.



**Cornell Cooperative Extension**  
Lake Ontario Fruit Program



**Cornell Cooperative Extension**  
Eastern NY Commercial Horticulture Program



Please contact Mike Basedow with any questions: 518-410-6823 | [mrb254@cornell.edu](mailto:mrb254@cornell.edu)

## Cornell Cooperative Extension

### Lake Ontario Fruit Program

12690 Rt. 31

Albion, NY 14411

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# Fruit Notes

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## Fruit Specialists



Craig Kahlke | 585-735-5448 | [cjk37@cornell.edu](mailto:cjk37@cornell.edu)  
**Team Leader, Fruit Quality Management**

**Areas of Interest:** Fruit Quality and factors that affect fruit quality before, during, and after storage.

**Crops:** Blueberries, Raspberries / Blackberries, Strawberries, Apples, Apricots, Cherries, Nectarines, Peaches, Pears, Plums



Mario Miranda Sazo | 315-719-1318 | [mrm67@cornell.edu](mailto:mrm67@cornell.edu)  
**Cultural Practices**

**Crops:** Blueberries, Raspberries / Blackberries, Strawberries, Apples, Apricots, Asian Pears, Cherries, Currants, Gooseberries, Nectarines, Peaches, Pears, Plums



Janet van Zoeren | 585-797-8368 | [jev67@cornell.edu](mailto:jev67@cornell.edu)  
**Integrated Pest Management (IPM)**

**Areas of Interest:** IPM of tree fruit and berry pests, biological control, pollinators.

**Crops:** Blueberries, Raspberries / Blackberries, Strawberries, Apples, Apricots, Asian Pears, Cherries, Currants, Nectarines,



Bonalyn Nelsen | 315-980-9926 | [bjn2@cornell.edu](mailto:bjn2@cornell.edu)  
**Business Management**

**Areas of Interest:** Fruit Farm Business Management, Farm Labor & Regulations, and Evaluation of ROI of New Technologies

**Crops:** Blueberries, Raspberries / Blackberries, Strawberries, Apples, Apricots, Cherries, Nectarines, Peaches, Pears, Plums

For more information about our program visit us at [lof.cce.cornell.edu](http://lof.cce.cornell.edu)