



More than 50 attend Labor Workshop

The U. S. Department of Labor Workshop at the Agriculture Service Center in Elizabethtown launched dialogue important to the blueberry growers in North Carolina. For almost four hours, District Director Richard Blaylock and Assistant District Director Mark Lara fielded questions and comments from 53 blueberry industry members.

Plant Pathologist Bill Cline, NCSU, opened the workshop with the ABC *Nightline* news shows which portrayed blueberry growers as using child labor. The broadcast's footage was taken in Michigan.

During his opening words Blaylock said he thought the turnout was great and he thanked participants for coming. "You wear a lot of hats; you have a busy schedule so this is the time to talk about what we need to address to make sure you are compliant."

While not in his area of enforcement, he has researched solutions on where to place children in the 6 to 12 year-old-age-group. Currently there is Migrant Head Start for infants to five-years-of-age; children 12 and older are permitted to work under specific guidelines.

Blaylock understands that the parents want to teach their children the value of work as part of their heritage. But he emphasized, "I am responsible for seeing that we don't have children under the age of 12 working in the blueberry fields and I don't think there is anybody in this room that

wants children working in their fields.

"This is a community concern. I would encourage a conversation with faith based organizations that are also concerned with child care. Funding is available with faith based initiatives. The other option is that these families cannot be in the field. You can't afford to have them in your fields. Are we going to have investigators in the field? Absolutely. Are blueberries my only concern? No."

"...I don't think there is anybody in this room that wants children working in their fields..."

*Richard Blaylock
District Director, USDOL,
Wage and Hour Division,
Raleigh office. Speaking to
meeting participants.*

Specifically, for minors ages 12-13 the parents have to be working in the same field - or growers need written parental permission. For youths ages 14-15 parental permission or parents in the field is not a requirement. There is no enforcement authority over the children of the owner of the farm. If school is still in session in the area where the children are living, the children cannot work during that time during school hours. Fact Sheet No. 40 gives good information and can be found at: <http://www.dol.gov/whd/regs/statutes/FLCList.htm>. Blaylock assured the workshop

attendees, "When case files come in we review them and the evidence very carefully before we cite a violation."

One of the most important topics concerned the designation *employee* versus *independent contractor*. According to Blaylock the United States

Continued on page 2

Continued from page 1

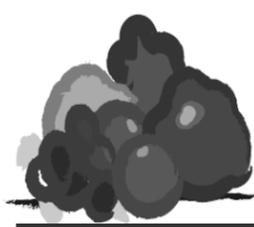
Supreme Court has six guidelines as a test. He made several analogies with the final summation being that blueberry pickers are employees and not independent contractors. This means that pickers must receive minimum wage within a designated seven day period. If a picker is below minimum wage for three days, but if picking conditions or skills improve within the next four to average \$7.50 per hours worked, within the designated seven days, which satisfies the minimum wage law.

Blaylock emphasized the importance of good record keeping, making sure that crew leaders are registered and keep their cards with them at all times. Ineligible Farm Labor Contractors

can be found at: http://www.dol.gov/whd/regs/statutes/mspa_debar.htm. Current certificate holders can be found at: <http://www.dol.gov/whd/regs/statutes/FLCList.htm>.

Blaylock invited growers with concerns to call him directly at 919-790-3067 at his office or at his cell number at 919-802-8531, Lara's phone number is 919-790-3066. Blaylock encouraged growers to use <http://www.dol.gov/elaws/> which is another important resource for understanding the regulations and rules that compliance demands.

Written by Julie Woodcock, Executive Coordinator, North Carolina Blueberry Council, Inc, ncblueberry@bellsouth.net, 910-471-3193.



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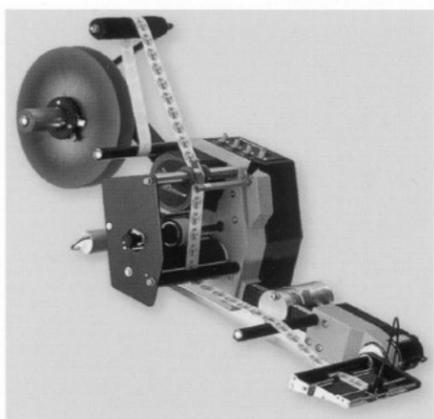


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- 1 cup vanilla frozen yogurt
- 1/2 frozen banana (chunks)
- 1 1/2 cup frozen or fresh blueberries
- 1 scoop vanilla flavored soy protein drink mix (optional)

Directions:

Pour all liquid ingredients into the blender. Add all frozen ingredients. Blend until smooth. Serve immediately. Serves four. *Thanks to Kim Burnette at blueberry-recipe.com*

USDA Withdraws Proposal to Increase the Assessment Rate of Highbush Blueberries

The U.S. Department of Agriculture announced that it is withdrawing a proposal to amend the Blueberry Promotion, Research, and Information Order. The proposed rule, published in the Federal Register on July 27, 2009, would have increased the assessment rate annually from \$12 to \$24 per ton on growers who produce or import more than 2,000 pounds of highbush blueberries. The U.S. Highbush Blueberry Council recommended increasing the assessment rate to expand its promotional and research activities to bridge the potential gap between demand and future supply. Several comments were received in opposition to the proposed increase in the assessment rate, so the proposal is being withdrawn. This withdrawal rule will be published in the Feb. 23, 2010, Federal Register. Copies of the withdrawal rule may be requested in writing to: USDA, Agricultural Marketing Service (AMS), Fruit and Vegetable Programs, Research and Promotion Branch, Stop 0244, 1400 Independence Avenue, SW, Room 0632, Washington, DC 20250-0244; or faxed to (202) 205-2800. The withdrawal rule is also available on www.regulations.gov or AMS's Web site at www.ams.usda.gov/FVPromotion. USDA's Agricultural Marketing Service monitors the operations of the U.S. Highbush Blueberry Council in accordance with the Commodity Promotion, Research, and Information Act of 1996. The council administers an industry-funded national research and promotion program to maintain and expand markets for highbush blueberries. More information about research and promotion programs can be found at www.ams.usda.gov/FVPromotion. Follow us on Twitter to receive the latest press releases, stories, and important updates about the Agricultural Marketing Service at: http://twitter.com/USDA_AMS_NEWS. USDA is an equal opportunity provider, employer and lender. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, 1400 Independence Ave., S.W., Washington, D.C. 20250-9410 or call (800) 795-3272

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Cold Storage Facilities Now Eligible For USDA Facility Loan Program

Agriculture Secretary Tom Vilsack announced that the Farm Storage Facility Loan program has been amended to allow producers to build cold storage facilities to store their fresh fruits and vegetables. This program is part of USDA's 'Know Your Farmer, Know Your Food' initiative and uses discretionary authority provided by the 2008 Farm Bill authorizing the eligibility of cold storage facilities for fruits and vegetables.

"Expand the Farm Storage Facility Loan program will provide our nation's fruit and vegetable producers with new storage and marketing opportunities," Vilsack said. "On-farm storage may cost a lot to build, but it can help farmers to maximize profits. USDA's program will help these producers to finance the purchase, construction, or refurbishment of these important farm storage facilities."

USDA's 'Know Your Farmer, Know Your Food' initiative emphasizes the need for a fundamental and critical reconnection between producers and consumers. The effort builds on the 2008 Farm Bill, which provides for increases and flexibility for USDA programs in an effort to revitalize rural economies through the promotion local food systems. Aimed at strengthening the connection between farmers and consumers, the initiative also supports local and regional food systems, to increase economic opportunities for local farmers and expand access to healthy food for Americans.

To be eligible, cold storage facilities must have a useful life of 15 years and include:

- New structures suitable for a cold storage facility;
- New walk-in prefabricated permanently installed coolers suitable for storing fresh fruits and vegetables;

- New permanently affixed cooling, circulating and monitoring equipment;

- Electrical equipment integral to the proper operation of a cold storage facility; and must be

An addition or modification to an existing storage facility.

USDA will not make cold storage facility loans for portable structures, portable handling and cooling equipment, used or pre-owned structures or cooling equipment or structures not suitable for a fresh fruits and vegetables' cold storage facility.

The maximum loan amount for a Farm Storage Facility loan is \$500,000 per loan. One partial disbursement of up to half the anticipated total cost is available when that portion of the structure has been completed. The final disbursement will be made when the entire structure has been completed and inspected by a USDA representative.

All Farm Storage Facility Loans require a down payment of at least 15%. Applications must be approved before construction can begin. Loan terms of 7, 10, or 12 years are available depending on the amount of the loan.

Loans applications should be submitted to the administrative FSA county office that maintains the records of the farm or farms to which the application applies. If the commodities are produced on land that does not have farm records established, the application must be submitted to the FSA county office that services the county where the facility will be located.

Source: USDA news release



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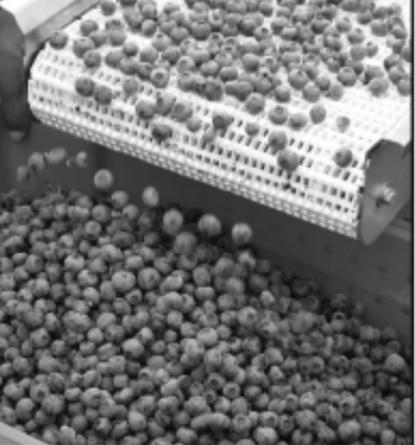
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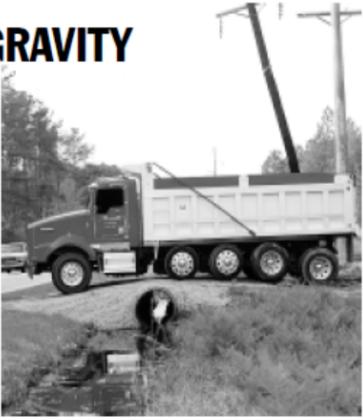
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USDA names Blueberry Council members

24 March 2010

Thomas Vilsack has announced a number of appointments to serve on the US Highbush Blueberry Council

United States Agriculture Secretary Thomas Vilsack has revealed the four producers, one importer, one exporter, one public member and their alternates who will serve on the US Highbush Blueberry Council.

R. Verne Gingerich and Art Galletta have been reappointed as producer members, with David arena appointed as the alternate for Region 3. Newly appointed pro-

ducer members include Shelly Ann Hartman and Keith Mixon, with Chile's Sofia Rebolledo the new exporter member.

Stan Crafton comes in as the new importer member, while Amy Howell takes up a position as public member.

Newly appointed alternate members are producers Robert Ditchen, Patricia Goin and Duane Hatcher, Nicolas Moller is the export alternate, Francisco Allende is the importer alternate and Juan Silva is the public member alternate.

Source: *Fruitnet.com*



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Why make a documentary about Blueberries?



Nancy O'Mallon

I got into blueberries by way of a car accident really. Long story short, the accident resulted in 4 surgeries to my left hand and arm over several years. Knowing that I would need to occupy my mind during the recovery period I decided it was the perfect opportunity for me to finally write the novel I'd always wanted to write.

Having grown up on a farm, I wanted the setting for the story to be on a farm and I thought to make it even better I would make the setting a blueberry farm in New Jersey. Problem was that our family had not raised a single blueberry shrub on our farm, and I knew nothing about how they grew or anything else about them. Subsequently, I turned to the Internet to find the answer. These were the pre-Google years and there was next to no information on the Internet about blueberries. What I did find there was a USDA research facility in southern New Jersey whose focus was only on cranberries and blueberries.

I chose a blueberry geneticist from the list of researchers there, and called him directly. His first words of advice to me were: "*Well if you really want to know about blueberries, you really ought to learn about Elizabeth White.*" At that moment my vocation in telling stories about blueberries was set in motion.

How long did it take to make this documentary?

Between 1998 and 2004 I researched and wrote the novel. After receiving unenthusiastic responses to it from publishing houses I decided to put it aside and keep going. I sat down with my interview tapes, documents and images and started to write what was to have been the first non-fiction book on the subject of the cultivated blueberry. But as I listened to my interviews, it struck me that the story would be told so much better if the people who had lived the blueberry story, told the blueberry story. Actually, there was one man in particular who indirectly gave me the idea of doing a documentary. His name is Fred, and he was the last President of the Tru-Blue Blueberry Cooperative, but more importantly, he told great stories about the early blueberry years. As I listened to Fred talk, I thought: *There is no way I will ever be able to effectively capture and do justice to his essence in writing.* Shortly after this, I consulted with a friend about doing the story as a documentary. This friend it is important to note is an Emmy-Award-Winning documentary producer. I reasoned that if he thinks it's a good idea, it's a good idea. He did, and shortly after our talk I formed a production company called "Aboutblueberries.com". Our first interview took place in April 2005, editing began in May 2006, and by the end of 2007, the documentary had screened at several national and international film festivals, and won two awards.

December 2009 the film was selected as a National Resource for Agriculture in the Classroom, a national program that helps students Pre K through 12th grade become agriculturally literate.

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