

OPCA

Ohio Pest Control Association

“The Voice of The Ohio Pest Control Industry”

VOL. 47, NUMBER 4, Fall 2007

Winter meeting will have prominent guest speakers

The 2007 Ohio Pest Control Association Winter Meeting on December 10 at the Hyatt Regency Columbus puts a new spin on an old OPCA tradition. Instead of managers meeting one day for business-focused sessions and technicians arriving the next day for recertification credit training the training school and the business sessions will be conducted as separate simultaneous tracks.

This new plan has several advantages. It lets everyone get together for meals, social events, and exhibits. It cuts the time investment required of exhibiting suppliers down to just one day. It gives technicians who may only need one or two categories the opportunity to sit in on the businesses sessions and learn more about industry issues and get better acquainted with OPCA and the national association, while letting managers who don't need credit sit in on the other track if there is a technical subject of interest to them. Finally, out-of-office time is cut to just one day . . . unless, of course, there's a good reason to stretch it out just a bit. And there is.

That reason is a rare opportunity (at least it's rare for most of us) to enjoy the equivalent of luxury box seating at Nationwide Arena to see the Columbus Blue Jackets play the Stanley Cup champion Anaheim Ducks in an early season National Hockey League game. OPCA has booked the Sky Terrace premium seating section of the arena for the game.

The Sky Terrace is a private area favored by team executives, media, and players who for one reason or another are unable to suit up for the day's game. It's luxury seating with many extra amenities, including private food and beverage facilities.

Featured presenters on the meeting's two tracks



OPCA Winter Meetings are always well-attended and packed with plenty of useful information about business in general as well as sessions specific to the professional pest management industry.

include Dr. Neil Haskell, world renowned forensic entomologist, who will discuss “Death, Guts and Bugs”; Dick Tice, executive director of the Environmental Industry Council, who will cover the important topic of “The Politics of Pesticides in Schools and Public Areas”; Greg Baumann, VP of the National Pest Management Association, who will give two presentations “The Magic of the Partnership: NPMA News and Information” and “Lessons Learned from WDI Inspections and the NPMA-33”; and also from the national association, Gene Harrington, NPMA's director of government affairs, who will speak on “Pending Legislative & Regulatory Issues.”

There are also a number of speakers from closer to home on the program. Scott Steckel, Varment Guard, president of OPCA, will speak on the “State of the Industry and the OPCA PAC Fund.” OPCA legal counsel and OPARR Executive Director Jim Betts will be on hand to bring everyone up-to-date on “Green Issues.”

In the technical arena Cam Renn, UNIVAR, will talk about “Blood Suckers and You-An Intimate Portrait.”

(Continued on page 6)

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Now is the time for OPCA members to speak up!

Happy Holidays to all. I wish you all well during this time of festive spirits. As the year winds to a close it seems like the year has flown by at supersonic speeds. I don't know where the time has gone, but there is plenty to talk about.

I am sure you all can feel the discomfort of the faltering economy on your businesses. Add to that the change in legislative focus which is impacting our industry more and more each day. We have a choice – accept the changes to the laws created by Congress, US EPA, Ohio legislature,



*Scott Steckel
OPCA President*

Ohio Department of Agriculture (ODA) however they impact us or..... become involved in the process and give our input as rules/laws are made so they are scientifically accurate and fair. We need you – each of you to be not only aware, but active in this process. It is no longer acceptable to sit on the sidelines and encourage your team. I am not kidding when I say, the political landscape has changed dramatically and we need every person to add their voice to the pro-

business agenda. Politics is based on influence and the lobbyist is no longer the sole influencer of an industry. Jim Betts (OPCA's lobbyist) has done a wonderful job of leading the charge up to now; but he needs our help starting right now. Mr. Betts brought to our attention at the most recent Ohio Professional Applicators for Responsible Regulation (OPARR) meeting that several areas need immediate attention.

For the past six months the Ohio Department of Agriculture has been working in conjunction with OPCA to create a standard for Integrated Pest Management (IPM) for schools. Good progress has been made in this effort, because several of our members took time to be involved in crafting this document. This is a critical document since it will impact how all pest control is performed in schools in the future and other facilities as IPM becomes more mainstream.

During this process one of our members noticed a little-known law, Ohio House Bill 203 – Jared's Law—and brought it to the attention of ODA, OPARR, and OPCA. Jared's Law was drafted to protect children from defective products used in schools, but how would this relate to us? This was widely supported politically and publicly very popular and why not – it safeguards our children.

The BIG issue turned out to be that a well-meaning Ohio Department of Health (ODH) created a rule based on implementing HB 203 that morphed into IPM in Schools without any communication with their counterparts at the Department of Agriculture, the responsible agency for pest control.

It looks as though Department of Health had no idea the Department of Agriculture was involved with IPM or that they

already regulated that area. They simply developed the rule to best implement Jared's Law as they understood their responsibility and scope. Our role in this is "Watchdog," and we now must work through the legislature and Department of Health to change what has previously been enacted in the current law.

We can sit idly by and watch this or Not! We need your help today. We now have a rule, in which we had no input, defining IPM in schools that will take effect shortly and will affect our service techniques. All this from a bill not intended to affect pest control. This is why we all need to be diligent and active in this process. I want to personally thank Rich Kozlovich for bringing this issue to everyone's attention.

On a national level, we are now facing the perfect storm and dream team of national legislative politics. We have seen Nancy Pelosi (D-CA), House Speaker; Rush Holt (D-NJ) Education & Labor Committee; James Oberstar (D-MN), Transportation & Infrastructure Chair; and Henry Waxman (D-CA), Government Reforms Chair, take over the House leadership. We have seen Harry Reid (D-NV), Senate Majority Leader; Barbara Boxer (D-CA), Environment and Public Works Chair and member of several important subcommittees; Hillary Clinton (D-NY), Superfund & Environmental Health Chair; Frank Lautenberg (D-NJ), Transportation, Safety, Infrastructure Security, and Water Quality Chair; Joe Lieberman (I-CT), Private Sector & Consumer Solutions to Global Warming and Wildlife Protection Chair, take over the Senate leadership.

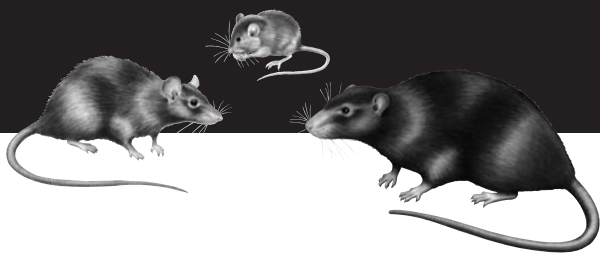
I am sure you know of some or all of these legislators and they have taken aim on Pesticides and Pesticide Usage which will directly impact our businesses within the next four to ten years. With Democratic leadership sure to strengthen in the next election the mandate to eliminate pesticides will become ever stronger and louder. We can't fight this sitting on the sidelines.

Here are the things that I feel are important to the direction OPCA is headed. We need to align ourselves with our national association — NPMA — to make sure we benefit from the unique nature of our current joint state relationship. Recently, we had a news agency go to our website and then did the same with the national association's website and gave us feedback that they had no idea OPCA was connected to NPMA. We need to communicate our connectedness with national while functioning on a local basis so those that view us see that we have common values while supporting local issues. For this reason I feel we should move the name change forward, and while we are at it update our logo.

We need to find a way to share all the daily changes as they happen to all our members in the way our members want to see or hear them. We need to use technology to assist in the connection of our membership. It will allow us to interact when and how we want to be connected which will give us all the feeling of belonging – the essence of an association.

(Continued on page 4)

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Time to speak up *(Continued from page 1)*

Our association has many benefits that are valuable to our members, but it dawns on me that we need to offer more in the way of employee benefits. Often our members are too small to qualify for affordable health insurance or 125 Cafeteria Benefit plans for things like short & long term care, dental, and vision. I am searching for group carriers for these and other service plans that would add benefits to those that could not previously get quotes or found them to expensive.

Like the Workers Compensation group rating program and Speedy Rewards gas card, we can and should find and offer additional service benefits that individual companies can chose to offer if they wish, but have no obligation. Many of these don't have any direct expense to your company yet provide coverage for your employees at their expense previously not available. Let me know what you would consider a member benefit that we don't currently offer. I will research to find out if we qualify and if we do, then I will commit to you to make it happen.

Well, if you don't feel like Scrooge, then join me in support of your association.

Scott Stechel

Scott Stechel
OPCA President

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Pestworld 2007 sets new attendance record

Over 3,600 pest management professionals, together with their suppliers and distributors, and including 450 international delegates, attended the PestWorld 2007 Convention & Exposition in October in Orland, eclipsing the previous National Pest Management Association convention attendance record set in 2000 in Las Vegas.

In his opening remarks to the convention Rob Lederer, NPMA's Executive Vice President, announced a year-long celebration of the association's 75th anniversary in 2008. The PestWorld 2008 Convention next October in Washington, DC, will focus on the theme "75 Years of Service to the Industry and the Consumer."

"NPMA will be joining with the Professional Pest Management Alliance to launch a campaign designed to build brand awareness in the association within the membership, and to boost media coverage by putting an aggressive face forward to the consumer" he told PestWorld delegates. "I would hope that our forefathers over the last 75 years would be proud of where the association has come since its inception."

At the event's Opening Ceremony, Pete Farno of Bayer

Environmental Science, announced that Bayer will again conduct their Young Scientist of the Year scholarship contest in 2008. Information about submitting applications will be released soon. Bayer sponsored the Opening Ceremony, where the stomp-style troupe Rhythm Extreme played to a standing room only audience.

The Opening General Session, sponsored by Dow AgroScience, featured a presentation by James Bradley, author of "Flags of Our Fathers," a book relating the personal stories of the five Marines and one Navy corpsman immortalized in the famous photograph of the raising of the American flag atop Mt. Serabachi on Iwo Jima. Bradley's own father, John Bradley, was the Navy man in the group.

In his PestWorld talk Bradley discussed the battle on Iwo Jima, shared stories about the lives of the six men and suggested that, "we evaluate the impossible in all of our own lives."

The Thursday General Session included presentation of the 2007 Pinnacle Award to Paul Hardy, Orkin's Senior Technical Director. The award is "Symbolic of the pinnacle of success in the pest management industry." It recognizes outstanding contribution to both the NPMA and the industry as a whole.

Keynote speaker, Billy Donovan, head men's basketball coach at the University of Florida, addressed PestWorld delegates on Friday, drawing comparisons between coaching and managing in the business world — both of which need teams to succeed. He emphasized the importance of trust and the difference between belief and trust—being more powerful.

Coach Donovan also spoke of the challenge of dealing with and managing success. He warned the audience that in the face of great success—such as winning the NCAA national basketball championship—it is easy to get complacent and lose motivation, as well as have a tendency to think your role is greater than it really was. He concluded his talk by stating that true success for him is positively impacting people and the players he coaches. His appearance was sponsored by FMC Professional Solutions.

In addition to the general sessions PestWorld 2007 featured 75 different technical and management training sessions, several pest management field trips, and a trade show with over 175 exhibitors from every segment of the pest management industry.

Last on the PestWorld 2007 schedule was the final night banquet, "Boogie on the Boardwalk," a social event sponsored by BASF Corporation.

Events of NPMA's 75th anniversary year will lead up to a spectacular climax at PestWorld 2008, the association's 75th Annual Convention, October 22-25 at the Gaylord National Resort & Convention Center on the Potomac near Washington, DC.



Coach Billy Donovan, who guided the University of Florida Gators to the 2007 NCAA Men's Basketball Championship, was a keynote speaker at Pestworld 2007.



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Pest Control Events Calendar

For registration and other information about listed events visit the OPCA web site at www.ohiopca.com, email info@ohiopca.com, call OPCA at (937) 222-1024, or use the contact information given for the event. Event dates and locations are occasionally subject to change, and new events may be added to the schedule. Keep up-to-date with all pest management industry events by regularly viewing the calendars at www.ohiopca.com and www.npmapestworld.org.

December 10, 2007

OPCA Winter Meeting & Training School

Hyatt Regency Columbus
350 North High Street
Columbus, Ohio 43215

January 17-18, 2008

Eastern Conference 2008

Foxwoods Resort Casino
Mashantucket, CT
Contact NPMA (703) 352-6762

January 30-31, 2008

Southwestern Conference 2008

Sandia Resort & Casino
Albuquerque, NM
For hotel reservations, call 505-798-3930 and mention "NPMA".

February 6-7, 2008

Southern Conference 2008

Hilton Memphis
Memphis, TN
For hotel reservations, call 901-684-6664 and mention "NPMA".

February 21, 2008

OPCA Training School

Holiday Inn I-275 North
Cincinnati (Sharonville)

March 3-4, 2008

Legislative Day 2008

The Mayflower Hotel
Washington, DC
For hotel reservations, call 202-347-3000 and mention "NPMA".

March 13, 2008

OPCA Training School

Holiday Inn Perrysburg
Toledo (Perrysburg)

March 27, 2008

OPCA Training School

Quality Inn & Suites Richfield
Cleveland (Richfield)

Winter meeting *(Continued from page 1)*

Andy Vita, Atlantic Paste & Glue will discuss "Control of Rodents and Pest Birds." Carl Hinderer, Southern Mill Creek, offer a refresher course on "Reading and Understanding Pesticide Labels." While Marty Morgan, DowAgroSciences, will cover "Fumigation From A to Z."

Everyone from both tracks will be together for lunch, which will include a special guest speaker, and a panel discussion of where Ohio's pest management industry needs to go and how we are going to get there led by members of the Future Pest Managers of Ohio.

Hotel reservations must be made directly with The Hyatt Regency Hotel at (614) 463-1234. Be sure to mention the Ohio Pest Control Association when making your reservations. It's late, but you may still be able to get the OPCA meeting rate if you call right away. The hotel offers valet parking for overnight hotel guests at \$21 and \$18 per day. This includes in and out privileges. Self-parking at the hotel is \$4.50 per hour or \$12 per day.

You can register for the meeting on line at www.ohiopca.com, by returning the registration form in the meeting brochure to OPCA, or by calling OPCA at 937-222-1024. Full registration for OPCA members is only \$155, and that includes the hockey game! Full registration for Life Members, Honorary Members, and members of FPMA is just \$140. Other registration options are also available. See the brochure or web site for details.

2007 OPCA Board of Directors

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Environmental Services

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Cam Renn, UNIVAR USA

Andy Vita, Forshaw Distribution, Inc.

OPCA scholarship winner adds another award

Is OPCA a place where, as in Lake Wobegon, all the children are above average? Maybe so. Jamie Burkel, who was among six winners of OPCA Past President's Scholarships presented at the Summer Meeting, added another academic award this fall.

During a presentation at PestWorld 2007 pest management industry business guru Lloyd Smigel identified Jamie, the daughter of Tami Burkel, owner of Valley Termite & Pest Control, Inc., Cincinnati, as the recipient of the first Lloyd Smigel Business Management Scholarship. Tami accepted the \$1,000 check on behalf of Jamie, a student at the University of Cincinnati.

In addition to the cash award to assist her with college expenses, Jamie is also eligible to join a Smigel Discovery Retreat group in Dallas in March for free. The Smigel Discovery Retreats bring representatives of non-competing pest management companies together for two days of interactive sharing of ideas and experience. Each Discovery Retreat group meets two more times after the initial retreat to follow-up and report progress.

The Lloyd Smigel Business Management Scholarship is a partnership between Smigel's Care Management Consultants and Pest Management Professional magazine. Lloyd Smigel is a regular contributor of pest management business articles to this newsletter.



Jamie Burkel (right), shown here with mom Tami Burkel, owner of Valley Termite & Pest Control, won the Lloyd Smigel Business Management Scholarship for 2007.



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OPARR meeting covers several critical issues

The Ohio Professional Applicators for Responsible Regulations (OPARR) held their annual meeting in mid-November, at the Ohio Department of Agriculture to discuss some major matters that will impact the pesticide application industries. There were a number of speakers dealing with a host of topics, but two issues stand out and will impact us directly and very soon.

Businesses collecting over \$75,000 a year in sales tax are now expected to file electronically. Another major change for those companies is the due date. Sales tax filings have been due the following month and were based on actual collections. Starting in January businesses must file estimated sales tax collections for the current month before the end of the month, then file a corrected return reflecting actual collections. For example, jump ahead a year to November 2008. Businesses would file an estimate of sales tax collections for November by November 23 and on the same form a corrected return for actual October sales, which were, of course, estimated in October.

Sound complicated? Actually there are other complications. For information contact the Sales and Use Tax Division of the Ohio Department of Taxation at 614-466-7251 and ask for a sales tax agent.

When asked if anything could be done about this, Jim Betts, the executive director of OPARR, commented that something "should be done" about this. Whether or not something can be done remains to be seen.

The critical issue is IPM and the Ohio Department of Health's entry into the picture through HB 203, also known

as Jerod's Law, which was passed by the legislature and signed by Governor Bob Taft in 2005. Originally Jerod's law, which was initiated by the Ohio Department of Health, was just a school equipment safety act. However, it has become an IPM issue. As published by ODH Rule (12) states:

(12) Integrated pest management policy (IPM). Not later than June 30, 2008, schools shall adopt a written IPM policy that includes identification of pests and conditions that attract pests; prevention techniques such as sanitation, vacuuming, structural repair and sealing; monitoring; education and training; approved least toxic chemical use; and pre-notification of chemical use.

By statute the Ohio Department of Agriculture has regulatory authority over pesticides and pest control issues, so this action by the health department has generated a great deal of conversation between the pest control industry, OPARR, ODA, and ODH. The immediate concern is what do pest management companies tell their school customers? The Ohio Department of Agriculture and the pesticide application industries have been working on an IPM standard, which is required by statute. The important thing to emphasize to schools is that Jerod's Law doesn't go into effect until June of 2008. By then the standard developed by an IPM working group composed of pesticide application professionals and the Ohio Department of Agriculture should be available to serve as a template for the entire state.

Until then Ohio school districts do not need to rush to adopt standards promoted by advocacy groups.

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Ohio Civil Rights Commission finds a new right



Bob Dunlevey

The Ohio Civil Rights Commission has substantially re-written Ohio's regulations pertaining to pregnancy-related leaves of absence for Ohio employers having four or more employees. The regulations may become effective by the end of the year, if the Ohio Joint Committee on Agency Rule Review approves them.

This is not a law passed by the legislature but instead an attempted "rulemaking" by the Ohio Civil Rights Commission in an effort to broaden the rights of childbearing employees. Ohio would join 18 other states in providing expanded benefits.

The regulations will require employers to provide a minimum of 12 weeks of unpaid leave for pregnancy, childbirth, and related medical conditions, regardless of how long an employee has worked for the employer, if "medically recommended" and a lesser amount of leave is not justified by business necessity. Note that "medically recommended" is not the same as "medically necessary" or "temporarily disabled." The leave merely needs to be recommended by a medical professional (undefined credentials). In addition, the business necessity exception is not defined. The 12 weeks of leave are not applicable to fathers as accorded in the FMLA.

Current Ohio law merely requires that employees with pregnancy-related conditions be treated no less favorably than similarly-situated co-workers not so affected. The

current version of the regulation adopted in 1977 requires employers to provide pregnancy leave for a "reasonable period of time," makes it illegal to terminate a female employee under a policy providing "insufficient" or no pregnancy leave, and requires a pregnant employee be returned to her original or similar job upon satisfying her intent to return to work within a "reasonable time."

This proposed regulation goes far beyond the Family and Medical Leave Act because the FMLA is only applicable to employers with 50 or more employees and is only available to employees who have worked 12 months and performed at least 1250 hours of work in a preceding year. What is not clear is whether an Ohio employer subject to the FMLA will have to provide the 12 weeks under the FMLA and an additional 12 weeks under this new Ohio regulation.

The regulations also grant pregnant workers new rights to light duty work which traditionally has been reserved for those subject to a workers' compensation claim. This may limit light duty opportunities for those having industrial accidents. At the end of the maternity leave, the employee is entitled to reinstatement to her original position or a position of like status and pay without loss of service credits or other benefits.

Commissioner Grace Ramos, from Beavercreek, was the only commissioner voting against the new regulation. She did so because she believed the commission went beyond simply clarifying existing law and instead created new law which would be burdensome to the State economically and possibly cause small businesses to avoid hiring women of childbearing age. Interestingly, the Ohio Civil Rights

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Commission filed with the Agency Rule Committee claiming that there would be no financial impact to employers as a result of granting 12 weeks of leave and providing light duty (astonishingly!). The regulations may very well exceed the authority of the Commission and certainly will be attacked by major business groups once it becomes effective.

In the recent past, the Ohio Civil Rights Commission has become more aggressive, both in enforcement and promulgating regulations. Many believe this is because the OCRC fears that it is losing its power and effectiveness within the state. Ohio employers are in for a "new day" when it comes to the Ohio Civil Rights Commission. If these regulations become effective, your company's leave policies and procedures will need to be modified.

If you need more information about the new regulation or assistance in drafting new maternity leave policies for your company, contact your attorney or Bob Dunlevey of Dunlevey, Mahan & Furry at (937) 223-6003.

Bob Dunlevey is a partner in the Dayton law firm Dunlevey Mahan & Furry. Before turning to the full time practice of law he managed his family's construction business.

McLaughlin Gormley King names accounts manager . . . Supplier Information

McLaughlin Gormley King, a Minneapolis-based pest control products company has added a new National Accounts Manager position to its field sales organization. Jeff Dean, MGK Sales Representative, has been promoted to this position. As National Accounts Manager, his charter is to establish a focused and collaborative interaction with national accounts.



TV show needs pest managers

Professional pest management made it possible for the builder and TV production crew for the ABC Television program Extreme Makeover Home Edition to complete the reality television program's 100th show. The two-hour 100th Extreme Makeover Home Edition episode was taped on a home building site in Minnetonka, Minnesota, in August, just when the creature affectionately known as "The State Bird of Minnesota"—the mosquito—is most active. To keep the construction workers and members of the TV crew from being literally eaten alive, pest management professionals were engaged to provide round-the-clock mosquito defense of the building site. With mosquito control agents provided by Minneapolis-based McLaughlin Gormley King®, a National Pest Management Association member, the program, which aired on ABC on Sunday, November 25, was completed with the skin and most of the blood supply of everyone involved still intact.

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