

THE INFORMER



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A Note From MPMA

With mail cost increasing annually, MPMA would like to find a way to reduce the number of pieces we mail. One way we can do this is to e-mail MPMA quarterly newsletters. It would be e-mailed in a PDF file. All you need is an e-mail account and Adobe Reader Software. You can download the software for FREE at www.adobe.com. You can either read the newsletter on your computer or print it. If you would like to receive the newsletter electronically please e-mail Rhonda Wise at rwise@mipca.org to let her know you would like to receive the newsletter electronically. If you choose to receive the electronic version of the newsletter, you will no-longer receive a copy in the mail.

There's Still Time to Register!!

MPMA's 2016 Winter Meeting

The Michigan Pest Management Association will, once again, be having their Winter Meeting at FireKeeper's Casino in Battle Creek, Michigan on February 18th and 19th, 2016. If you haven't registered yet, you have until February 11th to fax, e-mail or mail your registration form.

The 2016 Annual Winter Meeting will be Thursday through Friday afternoon, and includes the Winter Meeting Banquet and MDA recertification credits. This year's Winter Meeting has a power packed agenda with a remarkable lineup of technical training from exceptional industry speakers. See pages 8 & 9 for the full agenda for the meeting. You don't want to miss the great line-up of speakers, topics, and exhibitors!

The FireKeeper's Casino is known for their outstanding catering department. The food and drinks will be delicious. We will also be offering a continental breakfast this year before the meetings.

If you have misplaced your registration form you can visit www.mipca.org to print a new one.

Smitter Donates Bed Bug Treatment to Struggling Family

John Koval, president of Smitter Pest Control, Grand Rapids, Mich., helped bring some Christmas joy to a struggling family by providing it with a free bed bug treatment. The Michigan family has five children, including an 8-month-old girl recovering from heart surgery.

January 26, 2016

Brad Harbison

People Bed Bugs Companies

GRAND RAPIDS, Mich. — John Koval, president of Smitter Pest Control, Grand Rapids, Mich., helped bring some Christmas joy to a struggling family by providing it with a free bed bug treatment.

The Michigan family has five children, including an 8-month-old girl recovering from heart surgery. Making matters more challenging, both parents are out of work and the family is struggling with finances. A hospital caseworker, concerned about sending the girl home to the family's bed bug-infested home, contacted several local pest control companies looking for help.

Koval agreed to provide a free treatment.

"I thought of my four-month-old daughter at home, and how difficult it would be to not see her at Christmas, and my heart told me to go and do the job," Koval said. "The little girl is really sick and I wanted to make sure she made it home for Christmas so she can spend it with her family."

Koval provided the family with a list of preparation tasks that he said they did a great job completing, and Koval performed an inspection and clean up, followed by a conventional pesticide application. Koval said he estimates it would have been a \$1,300 to \$1,500 job that Smitter provided free of charge.

"The nurses at the hospital banded together and raised money to pay for it, but we did not accept it. I told them to use it for something else," Koval said.

Smitter Pest Control was founded in 1939 and Koval is the company's third-generation owner.

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The President's Corner

By Bill Welsh MPMA President



Winter is in full swing and the lack of snow this year has allowed all of us to get around our operating areas fairly easily to take care of our clients. I hope all had a fabulous 2015 and continued success in the coming year. The Winter Meeting is right around the corner and I look forward to seeing you there. It will again be at FireKeepers Casino in Battle Creek. I hope we continue and build on the success we had last year and as you know we have a great line-up of speakers for this meeting. I encourage you to make plans to attend. Believe it or not, we kept Chuck Bellgraph out of the casino while we were in session.

You may have seen some e-mails recently that we have been forwarding to you from the National Pest Management Association. I urge you to review the Department of Labor proposed Overtime Rule change. You can simply follow the instructions to send a note to your representatives in Washington regarding the proposed changes. Secondly, we electronically sent out an Industry Alert regarding Zika Virus in the U.S. to help prepare you for the questions that will probably come.

In this newsletter you will also see information regarding Legislative Day coming up in March (pages 4-7). While it appears that we have 4 people going this year, Russ Ives continues to say he and Jeff Spencer would enjoy more company. He is even teaching newbies like Chuck Bellgraph and I the ropes this year. Take a look at your schedule and see if you can join us. In the future, I would really like to see if we could get enough folks to possibly rent a chartered bus to Legislative Day. Ohio is doing it already.

Lastly, I report to you that Brian Rowe has retired from MDARD effective December 23rd, 2015. I was a bit shocked on the news when he called me. He said that all the planets lined up just right and he is going to be doing something he has dreamed of doing for many years. He will be working with his friend in an auto repair facility near his home. As some of you may have known, Brian has always loved turning a wrench and working on his cars. Some of them, we have seen at various summer meetings when he came to talk with us (his Camaro was great). Brian has always worked with our industry on various projects or issues that have arisen, and practiced what he preached in terms of explaining, educating, and monitoring before enforcement. We will also miss his well-rounded experience working through rule changes and his valuable insight for the inner workings of state government he helped Bob England and I over the years as we worked on different issues together. Eric McCumber is currently filling his position on a temporary basis until his replacement is selected and brought on board. On behalf of the Association, I wished Brian well in his retirement and new adventure in the automotive repair business. He assured me that if I needed to touch base with him regarding any institutional knowledge or background on decisions made in the last 20 years or so, he would be more than happy to help the Association out.

I am pleased to also announce that Aaron Young accepted the Board position that was vacated by Bob England upon his retirement.

Bill Welsh
MPMA President

News From

National



"We'll be going up on Capitol Hill, all 400 of us," explains Andrew Bray, NPMA Director of Regulatory Affairs. "We're going to have face-to-face meetings on the House side and on the Senate side with actual representatives and senators to talk about these issues." NPMA members will primarily be talking about legislation and regulations that could affect the pest management industry. "All of these changes have the possibility to significantly impact your pest management business," Bray remarks. "That's the bottom line. As advocates for the pest management industry, we track anything and everything that we think could have an impact, good or bad, on our industry." Bray adds that it's crucial for NPMA members across the nation to get involved with this legislative process. "There's only so much the NPMA public policy team can do as advocates, because grassroots efforts—members actually talking with their members of Congress—is by far the most effective advocacy," he says. "That's why Legislative Day is so important."

Here are the three key issues NPMA members will hash out on Capitol Hill this spring:

New Overtime Regulations

In July 2015, the Department of Labor (DOL) released a proposal for new overtime regulations. These new regulations are in response to a 2014 directive by President Obama to update overtime rules under the federal Fair Labor Standards Act (FLSA). "This has been one of our top priorities," Bray says. Under current regulations, if any worker earns less than \$23,660 a year (\$455 a week)—regardless if they are paid a salary or hourly wages—their employer is required to pay them overtime when the employee works more than 40 hours during a work week. FLSA guarantees overtime pay at a rate of one and one-half times the employee's regular rate of pay. "So a lot of people may say, 'Well, I make salary so I don't get overtime,' but that's not true," Bray points out. "You are guaranteed overtime if you make under that amount." Currently, employees making over the \$23,660 annual threshold are eligible for overtime unless they fall under a specific industry exemption (teachers, doctors, lawyers) or the "white collar exemption." These exemptions include executive, administrative, professional, outside sales and computer employees.

However, the Department of Labor is proposing to raise the minimum overtime threshold from \$23,660 to approximately \$50,440 (\$970 per week). "That's a 113% increase," Bray comments. The new proposed threshold level is equal to the 40th percentile of weekly earnings for full-time salaried workers. "So if this were to go into effect, anyone making under \$50,000 a year, regardless of whether they're paid salary or hourly, will need to be paid overtime if they work over 40 hours a week," he says. "That's a big concern for us especially because they don't make any regional distinctions." Based on cost of living and other economic factors, a \$50,000 income is much different in New York City than it is in, Dothan, Alabama. "We have members throughout the nation, and many of these companies operate in places with a different cost-of-living than New York City.

It's really tough to understand how the government failed to consider the wide range of wages and the cost of living in different regions." The Department of Labor estimates that approximately 4.6 million employees who are currently exempt based on the \$23,660 threshold, will become eligible for overtime under the \$50,440 threshold. "Because the \$23,000 threshold hasn't been raised since 2004, we understand the need to potentially raise that number—but a knee jerk response like this just is not economically viable," Bray says. "Companies won't be able to adapt quickly to it. After talking to some of our member companies, we don't even think doing this will even protect the people they're attempting to protect." Bray believes if the new overtime rule goes into effect, many pest management companies won't be able to offer the same employee flexibility they've provided in the past. He gives this example: Under the current rule, many workers are afforded the flexibility to skip a lunch break or work longer one day so they can leave early another day to go see their kid's soccer game.

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However, Bray says if this new rule goes into effect, employers are going to say if you make under \$50,000, you cannot work any more than 40 hours a week. “You’ll need to punch in and out any time you leave to do anything, and you need to take exactly a 30 minute lunch break” he predicts. “and just because an employee *could* earn overtime pay, it doesn’t guarantee that those hours will be available to work. I think many employers will restrict hours to under 40 in order to control operating costs.” Bray concludes, we don’t think less flexibility and less opportunity is what people want. So we think this is actually going to hurt the very people they’re attempting to protect.” Bray also points out the big issue of bonuses. “As a growing industry, our members support their employees and give them incentive bonuses—and it’s unclear how this new rule would actually work with bonuses. Do they calculate it as part of your yearly income? It’s been proposed that it’s only supposed to count for 10%, which we think is unfair as well.” Of course, incentive bonuses are a win-win for both the employer and the employee because they encourage employees to work harder. “Everyone benefits from these bonuses—but if you’re only going to count 10% of it, what’s the motive for an employer to provide that bonus and risk paying potentially exorbitant overtime wages?”

To further complicate the issue, under the DOL’s proposed new rule, the income limit will be indexed to maintain the salary threshold at the 40th percentile. “So they would index the \$50,000 limit to go up every year depending on other economic factors,” Bray explains.

“That means all of a sudden 60 days before the end of the year, employers could be scrambling to deal with a new threshold number. Maybe it’s \$50,000 in 2017 and then it’s \$55,000 in 2018. This unknown variable would force employers to scramble and maybe change the entire way they do payroll—and we think that’s ridiculous.”

Lastly, the new rule does not propose changes to the current exemptions, including the “white collar exemption.” As the rule stands right now, if an employee earns more than \$23,000, they must be paid overtime unless they are eligible for one of these so-called white collar exemptions. These white collar professionals, such as lawyers or accountants, are exempt from the rule. However, Bray says the exemption that’s most commonly used is what’s called the administrative exemption. “This is someone who basically uses some form of independent discretion when making decisions that are important to the company,” he says. “A lot of people fall into this category, and the problem is many of these people might think they have the white collar exemption, so it won’t affect them. Well it doesn’t affect them right now, but it will if this proposed rule goes into effect, there are no exemptions for this rule.” The rule also does not invite comment on these exemptions specifically, which raises concerns that the exemptions could be changed in the final rule.

NPMA has submitted comments to DOL to outline all of these points. Although NPMA initially anticipated a final rule being published by late 2015 or early 2016, the process has been delayed. Bray predicts that the new rule more than likely will be published before the President leaves office in late 2016.

“As representatives of the pest management industry, we see this doing more harm than good,”

Bray stresses. Fortunately, NPMA is not alone when it comes to fighting the proposed overtime rule. “We’re working with partners in many other industries. This isn’t just a pesticide industry issue, it’s a labor issue. We’re working with the Chamber of Commerce, retail, agriculture, electronics, manufacturing, hospitality..., you name it. We’re part of a really large group.” Other than years of litigation and millions of dollars in legal fees to challenge the regulation, Congressional intervention is the only viable way to stop this train wreck.

Clean Water & NPDES Permits

Enacted in 1972, the Clean Water Act (CWA) gives the Environmental Protection Agency (EPA) authority to regulate all of the “waters of the U.S.,” or WOTUS for short. The “waters of the U.S.” has historically been defined as “navigable” waters, which generally includes interstate waters and territorial seas. In other words, navigable water means a body of water over which a boat can travel. “But then the argument was—what kind of boat? A tanker? A canoe?” Bray says.

“Can EPA regulate that pond in your yard? So, the Army Corps of Engineers in conjunction with EPA finally released its definition of the WOTUS last summer, and everybody panicked.” Released on May 27, 2015, the final rule broadly defines WOTUS and expands those waters that fall within the federal government’s regulatory jurisdiction under the CWA. While the rule maintains the historic definition of “navigable” waters, including interstate waters and territorial seas, it adds tributaries and adjacent waters within the WOTUS definition if they “significantly affect the chemical, physical, or biological integrity of the aforementioned traditional navigable waters.” Tributaries are identified by evidence of flowing water such as a tidemark or bank, while adjacent waters work in conjunction as part of a network with other waters, such as wetlands, ponds and lakes. “It was what a lot of people believed to be very extensive and expansive,” Bray explains.

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“It was really concerning folks in our industry, but more so in the agricultural industry such as farmers. There was a question about a gully or a ditch. When that fills up with water, if that water then leads to a stream and that stream leads to a creek and a river, well now you have waters of the U.S. We thought this rule was going to get rid of that, but there’s a compelling argument to say they didn’t—and they actually expanded it.”

The rule undoubtedly expands the definition of WOTUS which in turn magnifies regulatory oversight and burdens for many businesses. However, NPMA does not anticipate the final rule will have a significant impact on pest management professionals. Even so, the expanded WOTUS definition raises another issue for pest management companies.

Currently, pest management professionals who apply even small amounts of residual pesticides in and around lakes, rivers and streams (WOTUS to combat mosquitoes and other flying insects are required to obtain an additional National Pollutant Discharge Elimination System (NPDES) permit. Yet, NPMA believes these permits are unnecessary and redundant. That’s because under the federal pesticide law (FIFRA), all pesticides are already reviewed and regulated—including a thorough review of impacts to water quality and aquatic species—with strict instructions on EPA-approved product labels. “We have to follow FIFRA labels, and on the label it would say if you can apply to water or not,” Bray explains. “However, the Supreme Court ruled that any time a pesticide was being dispersed into a WOTUS than they need to have a NPDES permit.” EPA has delegated NPDES authority to the states, and currently 46 of the 50 states regulate NPDES permits. If a pest management professional applies pesticides to more than 6400 acres of a WOTUS, they’re required to have a NPDES permit. “Our problem is that most of the states require a nominal fee and paperwork and some really burdensome stuff that is 100% unnecessary because the FIFRA label we follow already determines whether it can go in a water or not,” Bray remarks. He says NPMA is aggressively pushing and supporting legislation up on Capitol Hill related to the NPDES permit issue. “There’s legislation that just passed the Senate to get rid of the WOTUS definition, but the President is probably not going to sign that,” Bray says. However, NPMA remains optimistic about legislation to get rid of NPDES permits, which is running separate from the WOTUS legislation. “The President hasn’t come out and said he would veto against something like that if it did pass,” Bray says. “EPA was even against these NPDES permits when this case went to the Supreme Court. It’s just another layer of red tape that’s very duplicative and burdensome. So we’re continuing to push that. This is one of our most important bills that’s in the Senate right now.”

Pollinators

In 2006, beekeepers across the nation started reporting higher-than-usual colony losses, which have been defined as Colony Collapse Disorder (CCD). The value of insect pollination to U.S. agricultural production has been estimated at \$16 billion annually, and about three-fourths of this value is attributable to honey bees. The U.S. Department of Agriculture (USDA) estimates of overwinter bee colony losses have averaged more than 30 percent annually in recent years. While there is no known cause for CCD, many people unjustifiably place the blame on pesticides—particularly the neonicotinoid insecticides used extensively both in agriculture and structural pest control. However, experts say there is simply not enough evidence to prove these pesticides are the primary cause for bee loss. According to a February 9, 2015 Congressional Research Service report entitled, *Bee Health: The Role of Pesticides*, “The precise reasons for honey bee loss are unknown.” To top it off, a 2013 joint USDA and EPA report found the *varroa* mite is the “most detrimental pest of honeybees.”

Because NPMA understands the importance pollinators, particularly honey bees, play in the U.S. food supply chain, pollinator protection has been one of the association’s top priorities for the past two years. NPMA developed pollinator focused resources for both the public and industry including industry approved Best Management Practices (BMPs) for structural applications. In May 2015 the White House Pollinator Task Force released its 58-page plan entitled “National Strategy to Promote the Health of Honey Bees and Other Pollinators.” In the plan, the EPA highlighted the importance of pesticides for the protection of food supplies and human health. The plan also underscored the importance of balancing these benefits with risks by separating beneficial pollinators and pesticides in time and space. EPA will soon propose binding language to the labels of 1,500 pesticide products aimed at reducing exposure to managed honey bees and other pollinators. While the label language is expected to be restrictive, it will provide flexibility to pesticide applicators in states that develop and implement state pollinator protection plans.

“This was the number one issue this time last year, and I think our public policy team had the foresight to get out in front of this early and we’ve done a great job educating regulators and advocating for our industry.” Bray says. “We think the federal and state regulators understand our unique position and role in protecting both humans and pollinators. The use patterns for structural pest management professionals very rarely affect pollinators.

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In addition, there's a multitude of problems with pollinators, and pointing to pesticides alone is not a realistic answer nor is it based on sound science." According to the White House strategy, each state must develop managed pollinator protection plans (referred to as MP3s), and some states already have plans in place.

"At this point, we want to continue to work closely with all the states as they make these plans," Bray says. "We're pushing our BMPs, which highlight what we as an industry do and train our professionals on how to safely apply pesticides and not disrupt pollinator patterns. So we hope the states are adopting our plans, and once they begin implementing these plans, communication will be a huge part of this." Bray adds that NPMA is trying to be as involved as possible when it comes to making and implementing these plans. "One of our concerns is if these plans actually don't get implemented or if they are implemented but not successful, then there's a chance EPA comes back and puts much more stringent regulations in place," he warns. Fortunately, he says NPMA has made some great headway on this issue. "People here at NPMA have been working really hard and a lot of our members have been working with their state regulators."

Get Involved

All of these regulations, proposals, bills and rules could ultimately have a major impact on every pest management business in the U.S. That's exactly why it's important for pest management professionals not only to stay in the know—but also to join the effort. Fortunately, there are numerous ways pest management professionals can get involved. "We encourage everyone to sign up for our Friday public policy email," Bray suggests. "We also have a voter voice grassroots tool, where we send out alerts for our members to send out things to their representatives. It's very easy because we write a form letter and they just have to type their name in it and hit send." However, the most effective way to bring about change is to put in some face-time with your state representatives and develop relationships with them.

"That's what we're doing on Legislative Day," Bray says. "When relationships are built on Capitol Hill, it's even more effective when our members leave Washington DC after having these great conversations, go back home and talk to their representatives in district offices," he adds. "It's important to continue the conversation on that side while our public policy team pushes things up here on Capitol Hill. That's how we bring everything together full circle." «

Amy Bell is a regular contributor to PestWorld magazine.

She can be reached at amy@writepunch.com.

Have You Logged into the New NPMA Website?

NPMA

The NPMA website, www.npmapestworld.org, has gotten a facelift and is more user friendly than ever! Here are the top five things you can do as of today...we'll be adding a lot more features over the next few months!

1. You can update your own member profile
2. You can tell us what you want to hear about
3. You can print your membership certificate (but only if you are the primary contact for your company)
4. You can add new staff to your membership listing (but only if you are the primary contact for your company)
5. You can update your company information (but only if you are the primary contact for your company)

If you have any questions or need assistance, please contact NPMA at 800.678.6722 or npma@pestworld.org.

2016 WINTER MEETING
Chairman- John Koval and Pam Blauvelt

WEDNESDAY FEBRUARY 17, 2016

4:00 PM- MPMA Board of Directors Meeting -FireKeepers Casino and Hotel

THURSDAY FEBRUARY 18, 2016

CREDITS 8- 7A, 7B or Core

7:45-8:30 AM- Registration and Breakfast

8:30-9:00 AM- **Opening Remarks** –Jamie Clover Adams MDARD Director

9:00-10:30 AM- **Bed Bugs; The state of the Nation-** Dr. Mike Potter, University of Kentucky.

10:30-10:45 AM- **Break**

10:45-12:00 PM- **WDI-** Dr. Mike Potter, University of Kentucky.

12:00-1:15- PM Lunch

1:15-2:30 PM- **Cockroach Management & Control** – Arnold Ramsey BS, FMC Corporation.

2:30-2:45- PM Break

2:45-4:00 PM- **Spiders and Ants-** Scott Robbins ACE, Action Pest Control.

4:00-5:00- Eugene D. White II BCE, Rentokil Initial.

5:00 PM- Wrap up and Bubble Sheets

5:10PM- General Membership Meeting

6:00PM- Cash Bar

7:00PM- Annual Banquet Dinner

2016 WINTER MEETING
Chairman- John Koval and Pam Blauvelt

FRIDAY, FEBRUARY 19, 2016
CREDITS 8- 7A, 7B or Core

8:00-8:30 AM- Registration and Breakfast

8:30-9:45 AM- **IPM**- Dr. Stuart Mitchell, Pest West

9:45-10:00 **Legislative Remarks** with Rep Dr. John Bizon

10:00-10:15 AM- Break

10:15-12:00 PM- **Advanced Rodent Control**- Ted Bruesch, Lipatech.

12:00-1:15 PM- Lunch

1:15-2:45 PM- **IPM Schools**- Dr. Stuart Mitchell, Pest West

2:45-3:00 PM- Break

3:00-4:30 PM- **MDARD Update**. Gary King, Michigan Department of Rural Development.

4:30 PM- Wrap up and bubble sheets

4:45 PM- MPMA Board Meeting

Register today for MPMA's 2016 Annual Winter Meeting. Registration form can be found on www.mipca.org. If you have any questions you can contact Rhonda Wise at rwise@mipca.org or call (586) 296-9580. You may also fax your registration form to (586) 296-9581



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Membership: In accordance with our bylaws, we have received the following applications for new membership. The names of the firms and their voting members are listed below. If any person has just cause as to why the applicant should not be a member they must protest in writing within 30 days of this publication. If no protests are received, their application will be submitted to the Board of Directors for consideration.

MEMBERSHIP

**Oldham Chemicals
Scott Underwood**

<p>Term Ends: 02/2016</p> <p>Bill Welsh, President Rose Pest Solutions 8674 W ML Ave. Kalamazoo, MI 49009</p>	<p>Term Ends: 02/2016</p> <p>Michael Field, Allied Representative Residex 46495 Humboldt Drive Novi, MI 48377</p>	<p>Term Ends: 02/2017</p> <p>John Koval Smitter Pest Control 1650 S. Division Ave. Grand Rapids, MI 49507 616-245-7215</p>
<p>Term Ends: 02/2016</p> <p>Vic Hainline, Past-President Hainline, Inc, P.O. Box 398 Coldwater, MI 49036 (517) 279-1214</p>	<p>Term Ends: 02/2016</p> <p>Aaron Young Eradico Services 41169 Vincenti Court Novi, MI 48375</p>	<p>Term Ends: 02/2016</p> <p>James Myers Orkin 46413 Continental Dr. Chesterfield, MI 48047 586-949-6691</p>
<p>Term Ends: 02/2016</p> <p>Andy Peterson, Vice-President North Shore Pest Control 175 43rd Street Bloomingdale, MI 49026</p>	<p>Term Ends: 02/2016</p> <p>Pam Blauvelt Griffin Pest Solutions 2700 Stadium Dr. Kalamazoo, MI 49008 888-547-4334 ext. 1012</p>	<p>MPMA PO Box 26546 Fraser, MI 48026 (P) 586-296-9580 (F) 586-296-9581</p>
<p>Term Ends: 02/2016</p> <p>Charles Bellgraph, Secretary /Tres. Aardvark Pest Management, Inc. 2925 Remico Street SW Grandville, MI 49418 (616) 530-9800</p>	<p>Term Ends: 02/2017</p> <p>Heath Gorenflo Terminix 1235 Roth Dr, Suite A Lansing, MI 48911 517-673-1117</p>	



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