GOT BUGS?
GET SUED!

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GOT BUGS?
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Joint Statement on Bed Bug Control in the United States from the U.S. Centers for Disease Control and Prevention (CDC) and the U.S. Environmental Protection Agency (EPA)

What do the U.S. Centers for Disease Control and the U.S. Environmental Protection Agency say about bed bugs?

“Although bed bugs are not known to transmit disease, they are a pest of significant public health importance.”

“Bed bugs cause a variety of negative physical health, mental health and economic consequences.”

“Although the exact dollar amount is not known, the economic losses from health care, lost wages, lost revenue and reduced productivity can be substantial.”

Health

- Itchy bites
- Skin infection
- Sleep loss
- Social relationships (stigma)
- Psychological
  - Anxiety
  - Stress
  - Phantom itching

Economic

- Decreased work productivity
  - Due to health consequences
  - Due to time needed for pest management
- Costs of medical care
- Costs of pest management
- Costs of property replacement
Health

- Residents who are stressed by bed bug infestations may use dangerous products to battle bed bugs:
  - Pesticides applied incorrectly
  - Health and environmental consequences

Economic

- Community economics
  - Bed bugs may spread through the community to:
    - Schools
    - Libraries
    - Social services agencies
  - Bed bugs may cause people with “housing choice” to look elsewhere for a home, thereby degrading the local economy

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- Health effects may occur as psychological trauma, allergic reactions, and secondary infections.
- Cimicosis (repetitively bitten by bed bugs over time) may lead to a range of skin eruptions ranging from no visible effects to secondary infections.
- Diagnosis involves both finding bed bugs and the occurrence of compatible symptoms.
- Treatment involves the elimination of the offending insects and specific symptoms.
BED BUGS SUCK!

- Reactions are more remarkable after multiple bites due to possible sensitization to the salivary proteins of the bed bug.
- Bite reactions are triggered by binding of *C. lectularius* nitrophorin to IgE antibodies on mast cells with a resultant late-phase response.
- Skin reaction usually occurs in the bite area which is most often the arms, shoulders, and legs as they are more frequently exposed.

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• Everyone has an immune system response!
• May be subclinical.
"I think I saw a bed bug!"

"I think I am having post-traumatic stress!"

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• Chronic attacks from established infestations can cause anxiety, stress, and insomnia.
• Development of refractory delusional parasitosis is possible as a person develops an obsession pursuant to bed bugs.
• Mental illness is a disease!
Ekbom’s Syndrome or Monosymptomatic Hypochondrial Psychosis

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• Delusions of parasitosis manifests in the patient a firm belief that he or she has pruritus due to an infestation with insects.

• Patients may present with clothing lint, pieces of skin, or other debris contained in plastic wrap, on adhesive tape, or in matchboxes.

• Patients typically state that these contain the parasites, but these collections have no insects or parasites.

• This presentation is called the **Matchbox Sign**, or the **“Saran-Wrap Sign”**.

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• The World Heath Organization (WHO) defines health...

• “Health is a state of complete physical, mental, and social well-being and not merely the absence of disease and infirmity.”
BED BUG FEET

Bed bug feet lack pads for smooth surfaces

Cockroach feet adapted for smooth or rough surfaces

Hooks

Arolium

Clemente and Federle 2008 Proc Roy Soc B

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2ND STAGE NYMPH:
Bedbugs shed an exoskeleton after each of five juvenile stages.

EGG:
Females lay 200-500 eggs in their lifetime.

1ST STAGE NYMPH:
Newly hatched bedbugs are colorless, turning reddish-brown as they begin to feed.

Image: University of Kentucky
Bed Bug Life Cycle

- Life cycle as short as 50 days
- Feed every 3-7 days
- Five nymphal life stages last 4-24 days each
- Adults live 3-12 months
- Females lay 3 to 5 eggs per day, up to 500 over lifetime.

Illustration by: Scott Charlesworth (Purdue University), based in part on R. L. Usinger (1966) Monograph of Cimicidae
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Spread out!

BED BUGS SPREAD OUT!

- Imported in un-inspected items
- Visiting a bed bug infested location
- Hotel or motel
- Muti-family housing (unit to unit)
- People experiencing bed bug infestations export to other community locations
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• Affect potentially everyone
• Higher risk factors…
• Younger age
• More than three adults living in the same residence
• Household poverty
• Impoverished neighborhoods
• Multiple housing units
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- Affect poor disproportionately
- Lack of choices or options
- Cannot afford a PMP
- Do it yourself
- Limited access to information like the internet
Most Class Action Lawsuits originate here!

- Presence of public health pests (rats, roaches, bed bugs)
- Best practice insecticide use (median solid products)
- Dangerous use of inappropriate or illegal chemicals

* Based on NYC Environmental Public Health Tracking System, 2009 data.
“I don’t understand why you’re upset. This hotel has the cleanest bed bug in town!”
Bed bug
(Cimex lectularius)
Obsessive compulsive disorder (OCD) exacerbated by Hoarding syndrome.
How to Tape Moving Boxes

Box Taping 101
Bed bug management liability prevention

GENERAL ISSUES

- CONTRACTS
- WRITTEN DOCUMENTATION
- “WHAT DID YOU PROMISE?”
- “WHAT DO THEY EXPECT?”
- TARGET PEST???????????

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CONTRACTS

• TARGET PEST

1. Included and excluded

• GRAPH-Yes or no?

• ARBITRATION, CHEMICAL SENSITIVITY CLAUSE AND OTHER LIMITATIONS
If you’ve got cut-rate insurance, you could be picking up these charges yourself!

When was the last time you looked at your policy?

Bed bug management liability prevention

Claim Exposures
1. Injuries/Illness
2. Property Damage
3. Loss of Revenues
4. Payment of Fines
5. Bogus Claims (word of mouth)
6. Is it worth it?
7. Possible Coverage Issues.
A bed bug elimination guarantee SHOULD be avoided!
A bed bug “no bite” guarantee MUST be avoided!

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Povolny’s Concept of Anthropobiocoenosis II or Aesthetic Threshold

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- Cooperate with landlord
- Immediately report bed bugs
- Do not throw out belongings
- Allow access for inspections and repairs
- Treatment preparation
- No self treating
- If no landlord action-contact public health
- Cooperate with bed bug preventions
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- Cooperate with resident
- Immediately make efforts to correct
- Contract with PMP
- Allow PMP access
- Landlord and PMP educate tenants
- Lease statements
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- PMP must have proper licenses and certifications
- PMP must have proper insurance
- Trained and certified technicians
- Prevention systems (inspection, monitoring, complaint testimony, communication, education, QA, compliance)
- Read, understand, and follow pesticide product labels
*Assume beds and other items are infested and act accordingly.

*Avoid leaning across or sitting on infested beds or furniture; minimize contact between their clothes and equipment and infested items.

*Bring a minimum of equipment into an infested room and place it in an open area.

*Perform an inspection of their clothes and equipment before leaving an infested site.

*Launder all clothing immediately upon returning home from work. Footwear can often be heated in a dryer to kill all bed bug stages.

*Consider carrying an extra set of clothes to change into after working in a badly infested location.
*Strains and back injuries are a risk in bed bug work because technicians must move mattresses, box springs, furniture, etc.

*Technicians should be trained in proper lifting techniques for beds and furniture.

*Bed bug work in residential settings involves handling other people’s bed linens, dirty clothes, shoes, and other most personal possessions, which exposes technicians to human pathogens, particularly blood-borne pathogens.

*Wearing appropriate personal protective equipment.

*Using caution when reaching into or behind furniture to avoid injury.
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• Leading to litigation…
• Average single family home treatment $500 to $1500
• Multi-unit housing bed bug infestations become disputes over responsibilities of treatments and payments
• Bed bug infestations go unreported
• Self treatments
FIG 9. WHAT WAS THE AVERAGE AMOUNT YOUR RESIDENTIAL CUSTOMERS (SINGLE FAMILY HOMES) SPENT TREATING BED BUGS IN 2012?

- Under $500: 15%
- $501-$1,500: 67%
- $1,501-$3,000: 15%
- Over $3,000: 3%

Potter et al. (2013)
Liability stems from uncertainty.
We offer three kinds of service:
GOOD - CHEAP - FAST
You can pick any two
GOOD service CHEAP won’t be FAST
GOOD service FAST won’t be CHEAP
FAST service CHEAP won’t be GOOD
What you must have!

- A contract
- A fee structure
- Insurance
- Proper license
- Proper certification

Source: Jeff Lipman, Lipman Law Firm
Contract

• Have terms in writing.
• Specify work to be performed.
• No guarantees or limit them.
• Have client initial every paragraph.
• Specify client’s duties to prepare for treatment.
• Specify cost of treatment and aftercare.

Source: Jeff Lipman, Lipman Law Firm
What if client does not want to spend the money?

• Refuse the job.
• Have client sign document with your recommendations and their declination.
• Send post-contract confirmation letter.

Source: Jeff Lipman, Lipman Law Firm
Fee Structure

- Must have one in writing!
- Be prepared to provide a *written* estimate.
- Specify work to be performed.
- Specify initial costs.
- Make sure future costs are noted.
- No guarantee or limit guarantee!

Source: Jeff Lipman, Lipman Law Firm
Insurance

- General liability policy (probably will not cover much).
- GLP generally does not cover contract actions (need a rider).
- GLP generally will not cover errors and omissions (need professional liability policy).
- Make sure agent informed in writing of your needs and possible exposure.

Source: Jeff Lipman, Lipman Law Firm
• Unfair Deceptive Acts and Practices
• Consumer fraud: Actual damages
• Generally not covered by insurance.
• Someone has to pay.
• Generally deep pocket.
• The PCO!

Source: Jeff Lipman, Lipman Law Firm
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LAWSUIT
• When tenants bring lawsuits against property managers, the insurers and their lawyers will look for secondary sources of funding the damages; especially in cases where the amount being claimed is significant. In cases both in Iowa and California involving bed bugs, insurers have either threatened or filed cross claims against PCOs.

- Jeff Lipman, attorney

Source: Jeff Lipman
Lipman Law Firm
Lawsuit

- Call your insurance company.
- Call your attorney.
- Do not call the plaintiff or plaintiff’s attorney.
- Do not talk to media.
- The question is “when you will be sued!”

Source: Jeff Lipman, Lipman Law Firm
Legal Opinion
Insurance Coverage
Inspections
A Closer Look!
-Jeff Lipman
Lipman Law Firm
Account Type + Pest(s) – Restrictions = Control Measures
START FROM 'Scratch'
EXAMINE YOUR BUNK AND IMMEDIATE AREA FOR BEDBUGS

“BE ESPECIALLY WATCHFUL AT NIGHT AND
ALLOW NONE TO PASS AT ANY TIME—DON’T
LET A BED BUG PUT THE Bite ON YOU!
SEEK, SIGHT, AND DESTROY!”
Fluorescence (Stokes shift) occurs when an orbital electron of a molecule, atom, or nanostructure relaxes its ground state by emitting a photon of light (photon bounce) after being excited to a higher state by some type of energy.
Bed Bug specimen life cycle ID disc
Life Cycle of the Bed Bug
(Cimex lectularius)