

How to Choose Your Pest Control Company & Emerging Bed Bug Public Policy

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Tips for Choosing a Pest Management Company

- Always deal with a qualified and licensed pest management company. Consider asking to see the license or other credentials of the pest control professional that comes to solve your pest problem.
- Homeowners can call state pest control regulatory agencies for information regarding the status of pest management companies. In Ohio, the regulatory agency is the Ohio Department of Agriculture.
- Find out if the pest control company has liability insurance to cover any damages to your house or furnishings during treatment.

Tips for Choosing a Pest Management Company

- Ask if the company is a member of national, state or local pest management associations.
- See if the company is aware of the National Pest Management Association's Bed Bug Best Management Practices.
- Ask friends and neighbors to recommend pest control companies they have used successfully and how satisfied they were with the service.

Tips for Choosing a Pest Management Company

- Be wary of the exterminator who comes to your home uninvited and offers to give your house a free inspection for pests.
- Don't rush a decision. Since you are paying for professional knowledge as well as skillful application of pesticides, look for someone whose judgment you can trust.
- Consider proposals from several pest management companies.
- Before signing a contract, be sure to fully understand the nature of the household pest to be exterminated, the extent of the infestation, and the work necessary to solve the problem.
- If a guarantee is given, know what it covers, how long it lasts, what you must do to keep it in force, and what kind of continuing control, prevention and management are necessary.
- Buy value, not price. Beware of exterminators that offer bargains that sound too good to be true.

NPMA Bed Bug BMPs

- Developed by Blue Ribbon Bed Bug Task Force
- Adopted by NPMA Board of Directors in January 2011
- 24 page, 16 section document, English & Spanish versions
- Four page consumer version
- All available available at www.allthingsbedbugs.org

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Bed Bug Public Policy

- States enacted bed bug related laws/rules in the early and mid part of the 20th Century
- Some of laws/administrative rules still on the books
- Alabama, Florida, Illinois, Minnesota, Ohio, West Virginia, Nevada, South Dakota
- AZ & TX classify bed bugs in sleeping accommodations as a public health nuisance

Ohio Revised Code/Title 37 Health-Safety-Morals/Chapter 3731: Hotels

- **3731.13 Bedding, floors, and carpets must be kept sanitary.** All bedding used in any hotel must be thoroughly aired, disinfected, and kept clean. No bedding which is infested with vermin or **bedbugs** shall be used on any bed in any hotel. All floors, carpets, and equipment in hotels, and all walls and ceilings shall be kept in sanitary condition.

Primary Drivers/Concerns of Policy Makers

- Affordability/Accountability/Identifying who is responsible for paying for mitigating bed bug infestations and replacing associated loss/destruction of possessions
- Protecting hospitality industry and tourism revenue
- Providing additional tools to combat bed bugs
- Right to Know/Disclosure
- Shift/Balance liability
- Sanitation related issues (i.e. wrapping discarded mattresses, treating used mattresses & furniture)

Overview

- **Legislative bodies in Alabama, Arizona, Connecticut, Florida, Illinois, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania and South Carolina have considered bed bug legislation over the last two years; Bed bug related administrative rule pending in Oregon**
- **IL, ME & NY all adopted bed bug related laws last year; AZ, ME & NY enacted legislation this year**
- **Municipalities have also addressed or are looking at issue – Jersey City, San Francisco, Trenton, New York City, Boston, Cincinnati, Detroit, Yonkers, NY, Ocean City, MD etc.**

Pending Congressional Legislation/Bed Bug Management, Prevention & Research Act of 2011/H.R. 967

- Introduced by Rep. Jean Schmidt of Ohio on March 10, 2011
- Specifically, H.R. 967:
 - Authorizes a federal bed bug research funding program to resume research that has been neglected for 50 years;
 - Requires efficacy testing for minimum risk pesticides to protect consumers from products that don't effectively manage bed bug infestations;
 - Adds "quality of life" criteria EPA must consider when registering a public health pesticide so as to help provide professionals and consumers more safe, affordable, and effective tools;
 - Establishes a Bed Bug Prevention and Mitigation Pilot Program to provide subsidized treatments for those on fixed and lower incomes.

AZ Bed Bug Law

- In late April 2011 Arizona Governor Jan Brewer signed a bill into law assigning specific responsibilities to landlords and tenants in preventing and managing bed bugs in multifamily housing.
- Senate Bill 1306, which went into effect in late July, stipulates that:
 - The landlord cannot knowingly lease a bedbug infested dwelling unit.
 - The landlord provide existing and new tenants with educational materials on bedbugs
 - A tenant must refrain from moving bedbug infested materials into a dwelling unit.
 - A tenant must notify (if prior knowledge of bedbug infestation is known) the landlord of an infestation by written or electronic document
 - New law also preempts local governments from enacting ordinances pertaining to bed bugs.

2010 IL Bed Bug Law

- In late July of 2010 Illinois Governor Pat Quinn signed legislation directing the Department of Public Health's Structural Pest Control Advisory Council to convene a subcommittee to develop a report to the General Assembly by December 31, 2011 with recommendations on the prevention, management, and control of bed bug infestations.

Maine Bed Bug Law

- Maine Governor John Baldacci signed comprehensive bed bug legislation into law in April 2010; In June of 2011, Governor Paul LePage signed legislation into law amending the 2010 law.
- Law assigns various duties and responsibilities to landlord, tenant, and pest management professional

Maine Bed Bug Law

- **Landlord must:**
 - **Inspect the unit for bed bugs within five days of being notified by tenant of possibility of infestation**
 - **Contact a “pest control agent” within 10 days of determining there is an infestation**
 - **Take reasonable measures to effectively identify and treat bed bug infestation as determined by pest control agent**
 - **Employ a pest control agent that carries current liability insurance to promptly treat infestation**

Maine Bed Bug Law

- Before renting a dwelling unit, a landlord shall disclose to a prospective tenant if an adjacent unit is currently infested with or being treated for bed bugs
- If requested, the landlord must inform prospective tenant of the last date the unit or an adjacent unit was inspected for and found to be free of bed bugs
- Landlord may not offer for rent a dwelling unit the landlord knows or suspects is infested with bed bugs

Maine Bed Bug Law

- **Tenants must:**
 - **Promptly notify a landlord when the tenant knows of or suspects an infestation of bed bugs in the tenant's unit**
 - **Grant landlord and pest control agent access to the unit**
 - **Comply with reasonable measures to eliminate and control a bed bug infestation as set forth by the landlord and pest control agent or risk being financially responsible for all pest control treatments of dwelling unit arising from the tenant's failure to comply**

Maine Bed Bug Law

- **Pest control agent**
 - **Initial inspection of unit may include only a visual and manual inspection of tenant's bedding and upholstered furniture**
 - **Items other than bedding and upholstered furniture may be inspected when pest control agent considers such inspection is reasonable**
 - **Pest control agent may have additional access to tenant's personal belongings if bed bugs are discovered in unit or adjoining unit**

New York Bed Bug Laws

- In late August 2010, New York Governor David Paterson signed bills requiring New York City schools to notify parents of bed bug infestations and New York City landlords to inform incoming tenants whether the apartment unit under consideration or the building had been infested within the previous year; In August 2011, Governor Cuomo signed legislation modifying school bed bug notification law.
- In September of 2010, the New York State Division of Housing & Community Renewal developed a Disclosure of Bed Bug Infestation History Form

**NOTICE TO TENANT
DISCLOSURE OF BEDBUG INFESTATION HISTORY**

Pursuant to the NYC Housing Maintenance Code, an owner/managing agent of residential rental property shall furnish to each tenant signing a vacancy lease a notice that sets forth the property's bedbug infestation history.

Name of tenant(s): _____

Subject Premises: _____

Apt. #: _____

Date of vacancy lease: _____

BEDBUG INFESTATION HISTORY
(Only boxes checked apply)

- ☐ There is no history of any bedbug infestation within the past year in the building or in any apartment.
- ☐ During the past year the building had a bedbug infestation history that has been the subject of eradication measures. The location of the infestation was on the _____ floor(s).
- ☐ During the past year the building had a bedbug infestation history on the _____ floor(s) and it has not been the subject of eradication measures.
- ☐ During the past year the apartment had a bedbug infestation history and eradication measures were employed.
- ☐ During the past year the apartment had a bedbug infestation history and eradication measures were not employed.
- ☐ Other: _____

Signature of Tenant(s): _____ Dated: _____

Signature of Owner/Agent: _____ Dated: _____

Kansas Administrative Rule

- In October 2007 the Kansas Department of Health & Environment adopted a comprehensive set of regulations pertaining to lodging establishments – included a section on bed bugs
- Rulemaking developed in conjunction with Kansas Hospitality and Restaurant Association
- Oversight of lodging industry transferred over to Department of Agriculture in 2008

Kansas-Bed Bug Provision/Lodging Establishment Regulations

- Each guest room shall be free of any evidence of insects, rodents, and other pests.
- If a guest room has been vacant for at least 30 days, the licensee shall visually inspect that room for any evidence of insects, rodents, and other pests within 24 hours of occupancy by the next guest.
- No guest room that is infested by insects, rodents, or other pests shall be rented until the infestation is eliminated.

Kansas-Bed Bug Provision/Lodging Establishment Regulations

- The presence of bed bugs, which is indicated by observation of a living or dead bed bug, bed bug carcass, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, shall be considered an infestation.
- The presence of bed bugs shall be reported to the regulatory authority within one business day upon discovery or upon receipt of a guest complaint.
- All infestations shall be treated by a licensed pest control operator(PCO).
- All pest control measures, both mechanical and chemical, shall be used in accordance with the manufacturer's recommendations.
- No rodenticides, pesticides, or insecticides shall be stored in a guest room or in any area that could contaminate guest supplies, food, condiments, dishware, or utensils.

Bed Bug Public Policy– Ongoing activity/What is on Horizon

- Second & third wave into suburban & rural areas of country
- Review of pest management licensing requirements
- Increasing number of legislative initiatives covering more & more settings
- More right to know initiatives
- Increased bed bug related litigation
- Legislative response to court decisions/Shifting liability
- WDI – type real estate inspections for bed bugs
- Requiring bed bug infestations to be revealed on real estate disclosure forms
- Increased pesticide misuse
- Closer scrutiny of various products & associated claims
- Increased licensing requirements/bed bug specific applicator category, etc
- Emerging/new industries
- Coordination between typically disparate gov't agencies
- Impact on various industries (hospitality, mattress, furniture, etc)

Thank You

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best management practices
developed by the National Pest Management Association