

## **Bed Bugs and Litigation**

To date, the pest management industry has been pretty much uninvolved with bed bug lawsuits. When bed bugs were first resurging, attorneys, researchers, insurers, and consultants were predicting that the industry would be decimated by lawsuits filed on behalf of people bitten by bed bugs. Fortunately, we have not seen a flurry of high-ticket lawsuits filed. This is not to say that the futurists were wrong, as much as to say that our industry has worked hard to do the right job and reduce the exposure to lawsuits.

Lawsuits are occurring commonly but they are naming the place where the people visited as the defendant. Ranging from a few hundred to whopping multimillion-dollar suits, these are to be taken seriously. Generally, the hotels, apartment buildings, or the university residences are targeted since they are viewed as the "deep pockets." There are a few steps, which can be taken to reduce chances of being named as a defendant in a lawsuit.

### **1. Make sure your treatment protocols are well considered:**

There are many monitoring devices and treatment options available today. The integrated approach does work. Make sure that all technicians use the same basic inspection protocols so that your service is consistent. Make sure that technicians are trained in how to talk to customers and how to represent the company. Do not allow technicians to criticize other companies as studies have shown that when a technician criticizes a competitor, the competitor doesn't lose credibility, the person who criticizes does.

### **2. Review your contracts:**

Laws change; the legal climate changes; litigation history changes. Don't just use a bed bug contract from another company without reviewing it to make sure that it reflects what you want your company to do. You also should have a review by an attorney to make sure that it complies not only with state legal requirements but also with pest control regulatory agency regulations. Have the contract reviewed each year.

### **3. Perform according to your agreement with the homeowner:**

If the contract spells out exactly what services are to be performed, perform exactly as specified. Sometimes the contract will require customers to do certain things such as clearing rooms, but understand that their nonperformance doesn't automatically mean that the pest management firm has no responsibility. It is a matter of understanding what is reasonable. Ensure that the customer also understands bed bugs and what reasonable expectations are acceptable.

#### **4. Respond to call backs immediately:**

Train office personnel that callbacks are important and are also the result after a heightened period of stress and emotion. This isn't an ant call back; this is stressful for the customer. Train phone personnel how to handle distraught customers so that you not only meet their expectations but you exceed expectations.

#### **5. Confirm that your insurance covers bed bug work:**

Talk to your agent to make sure that bed bug work is covered under general liability.

Taking a few minutes now to review these steps will reduce your chances of becoming a defendant in a lawsuit.