

LIPCA INSURANCE



Connecticut Bed Bug Forum VII

Middlesex Community College

Middletown, Connecticut

April 11th, 2013

LIPCA INSURANCE



BED BUG EXPOSURES

LIPCA INSURANCE

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STORY



“The efficacy of hydrochloric acid is indisputable, but the chlorine residue is incompatible with metallic permanence”

STORY (con't)



“We cannot assume responsibility for the production of toxic and noxious residues from hydrochloric acid, and we therefore suggest that some alternative procedure be used.”

STORY (con't)



**“DON’T USE
HYDROCHLORIC
ACID!”**

**“IT EATS THE HELL OUT
OF THE PIPES!”**



BED BUG EXPOSURES

EDUCATION AND COMMUNICATION

A. TYPE OF CUSTOMER/MANAGER/CONTACT

- 1. Board or owner**
- 2. Apartment owner/manager**
- 3. Hotel manager**

B. TYPE OF PEST CONTROL COMPANY

C. GUARANTEES AND WARRANTIES ----- WHAT ARE THE EXPECTATIONS?

D. DOCUMENTATION

BED BUG EXPOSURES

WRITTEN DOCUMENTATION

- A. Most effective form of communication**
 - B. Less room for misinterpretation**
 - C. Credibility-“Professional”**
 - D. Not left up to judges or juries**
 - F. Specific contracts and wording**
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BED BUG EXPOSURES

CONTRACTS

A. Contracts-BE SPECIFIC!!!!!!!!!!

- 1. It is a contract and not a guaranty, agreement or bond-coverage wording is a no no!**
 - 2. Customers obligations or responsibilities.**
 - a. contractual wording vs. prep sheet-be careful**
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BED BUG EXPOSURES

CONTRACTS (con't)

3. Services provided

- a. time table or inspections and treatments**
 - b. be exact!**
 - c. types of treatment (heat, steam...)**
 - d. removing or moving furniture, paintings, clothing, tvs..... etc.**
 - e. WHO TURNS OFF ELECTRICAL, INDOOR SPRINKLERS, ETC??????**
 - f. gross negligence clause**
-

BED BUG EXPOSURES

CONTRACTS (con't)

4. Customer's Obligations

- a. follow all recommendations.....**
- b. follows and adheres to prep sheet....**
- c. removing certain furniture-toss/label**

5. Limits of Liability

- a. Not liable for bodily injuries or property damage due to bites or stings**
 - b. limits damages to cost of services???**
-

BED BUG EXPOSURES

CONTRACTS (con't)

- 6. Limits of a visual inspection**
 - a. size of bed bug-hindrance**
 - b. inaccessible areas**
 - c. movement due to certain treatments**

7. Severability

8. Chemical Sensitivity

9. Binding Arbitration



BED BUG EXPOSURES

SPECIAL WORDING IN CONTRACTS

A. Avoid whenever possible

“Our responsibility for injuries or damages due to bed bugs will be governed by the terms and conditions as stated in the Contract. There will be times and/or conditions under which we are not legally responsible for injuries due to stings or bites, but we will do so because we are morally responsible. In these cases we will be the one to decide.”

Coverage issue?



BED BUG EXPOSURES

PREP SHEETS AND FACT SHEETS

- A. Whatever you do hand out make sure you know what is on the document(s) which goes both ways.**

 - B. Part of the contract?**

 - C. Prep sheet should be signed and dated by the customer.**

 - D. WALK AWAY IF NOT READY!!!!!!!!!!!!!!!!!!!!!!!!!!!!**
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BED BUG EXPOSURES

OTHER DOCUMENTS

A. Release and hold harmless

B. Follow up letter

**C. Information received from experts, NPMA
or other sources.**

BED BUG EXPOSURES

CLAIMS AND LITIGATION

A. Commercial/Multi-dwelling

1. Apartments-"short timers"
2. Hotels-**suit stories**
3. Colleges-dorms
4. Hospitals/medical buildings-**death claim**

B. Pest Management Company Exposures

1. Guarantees or warranties
 2. "BED BUG FREE"
 3. "100 PERCENT EFFECTIVENESS"
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BED BUG EXPOSURES

CLAIMS AND LITIGATION (con't)

C. Errors and Omission

1. Inaccessible areas

2. Canine

3. Misdiagnosis or Not Found?

a. do you treat anyway?

BED BUG EXPOSURES

ALLEGATIONS

- A. PUNITIVE DAMAGES**
- B. GROSS NEGLIGENCE**
- C. DECEPTIVE TRADE PRACTICES**
- D. FRAUD**
- E. INTENTIONAL ACTS**
- F. BREACH OF CONTRACT**

COVERAGE ISSUES

- A. HEAT TREATMENTS? Do you know???**

BED BUG EXPOSURES

REPERCUSSIONS

A. RESERVATION OF RIGHTS

B. DISCLAIMER

C. ATTORNEY FEES-full or partial

D. BAD PUBLIC RELATIONS

E. REGULATORY EXPOSURES-bond

F. PHYSICAL (\$\$) AND MENTAL WELL-BEING

G. INSURANCE COSTS-winning claim, really?

BED BUG EXPOSURES

SOURCES

A. Stuart Mitchell

B. Paul Bello

C. Richard Cooper

D. NPMA

1. Bed Bug Best Management Practices

2. Webinars

E. Insurers and other vendors

LIPCA Insurance



THANK YOU!

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SUPPORT YOUR PEST ASSOCIATIONS
