

DRAFT
Philadelphia Bed Bug Task Force Policy Recommendations

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1. History and Biology of Bed Bugs

The common bed bug (*Cimex Lectularius*) used to be a common pest in the US, affecting one third of the population. After World War II the use of synthetic, broad-spectrum, residual pesticides essentially eliminated them from this country. However, small populations persisted, and bed bugs also continued to thrive in areas around the world. Bed bugs have also been able to develop resistance to every pesticide used against them - the older formulas, now banned, no longer kill the bugs. Beginning in about 2000, new bed bug populations were introduced into the US by travelers. By 2008, bed bug infestations began to capture media attention.

Bed bugs are small, wingless parasites that feed mostly on the blood of humans.¹ Bed bugs use their piercing-sucking mouthparts to pierce the skin of the host and inject a fluid that numbs the host, making it easier for them to suck the host's blood. The injected fluid can cause the skin to become swollen and itchy, and can resemble a rash or hives.

Bed bugs are most active at night. They often bite people who are asleep or sitting still for an extended period of time. Bites are usually the first sign that people notice when they have bed bugs. Reactions to bites can vary widely. Bites can range from blisters and pustules to no reaction at all. Reactions to bug bites may take as little as a few minutes to as many as 14 days to appear. It is very hard to look at a bug bite and know for sure if the bite came from a bed bug or another insect. A proper inspection is needed to confirm if your home has bed bugs. Early detection is critical in stopping a bed bug introduction from becoming an infestation.

Adult female bed bugs lay their eggs, which are white in color, somewhat pear-shaped, and about 1/32" long, in clusters of 10 to 50 in cracks and crevices of bed frames, floors, walls and other similar sites. Newly laid bed bug eggs are coated with a sticky substance that causes them to adhere to any object they touch. The young that hatch out of the eggs are called nymphs. Newly hatched nymphs are nearly colorless, smaller versions of the adults, and pass through five stages before becoming an adult. They must obtain a blood meal at each stage, and will feed as soon as they can locate a host. Nymphs can survive several months without feeding. A mature bed bug is an oval-bodied insect, brown to red-brown in color, wingless, and flattened from top to bottom. Unfed adult bugs are 1/4"-3/8" long and the upper surface of the body has a "banded" appearance. A bug that has recently fed is swollen with blood and dull red in color. Adults may survive as long as one year without feeding. Under perfect conditions

(access to host and temperature around 75°F), the time from egg to adult can be 4-6 weeks, with eggs hatching in 10-14 days.

Bed bugs affect public health. Bed bugs have been recognized and are considered a pest of “Significant Public Health Importance” under FIFRA (the Federal Insecticide, Fungicide, and Rodenticide Act), as determined by the US EPA, Health and Human Services, and the USDA in 2002.² In 2010 the EPA and the Centers for Disease Control & Prevention issued a joint statement reiterating that bed bugs “are a pest of significant public health importance.”³ Physical reactions to bed bug bites can include skin irritation, swelling, and rashes.⁴ Individuals experiencing bed bug infestations are also at risk for developing secondary infections that result from repeated scratching of bed bug bites.⁵ Living with bed bugs can also result in psychological and emotional distress including loss of sleep, anxiety, and depression.^{6 7} Bed bugs frequently prevent or delay critical in-home health care and access to other public services for elderly, mentally ill, and disabled individuals creating additional challenges for vulnerable members of the population.⁸ The stigma associated with bed bugs interferes with reporting and treatment, and can result in social distancing, isolation and deprecatory feelings and treatment by others.⁹

Pesticide overuse and misuse to combat bed bugs is also common. Acute poisonings due to inappropriate insecticide use can result in short-term neurological, respiratory, and gastrointestinal illnesses. Symptoms can include headaches, dizziness, nausea, and vomiting.¹⁰ Chronic exposure to insecticides and insecticidal dusts may lead to adverse health effects. Bed bugs are also known competent vectors of the pathogens that cause Chagas Disease and Trench Fever.^{11 12}

In Philadelphia, calls to the Vector Control program of the Philadelphia Department of Public Health increased monthly, reaching over 69% annual increase between 2008 and 2010.¹³ Similar reports from around the country confirm these trends. In another Philadelphia study, 11% of a sample of South Philadelphia residents had contact with bed bugs in the previous 5 years.¹⁴

In 2014 the Philadelphia City Council convened public hearings and wrote a resolution that resulted in the formation of the Philadelphia Bed Bug Task Force. In addition to many of the needs and health concerns listed above, the resolution also states that: Philadelphia is comprised of several types of high-density housing that can lead to widespread bed bug infestation; the City does not currently have a response plan; the City does not have a coordinating agency and has not established best management practices or a response plan; and that the City has not established rights and

responsibilities of tenants, landlords, employees, employers, and other stakeholders. The Task Force was therefore charged to produce recommendations for city policy and ordinances.

This report represents the Policy Recommendations of the Philadelphia Bed Bug Task Force.

2. Bed Bug Policy Recommendations

Highlights show where the original policy/code is from

Chicago:

http://www.cityofchicago.org/content/dam/city/depts/cdph/environmental_health_and_food/SO2012-82541Ordinance.pdf

San Francisco:

https://www.sfdph.org/dph/files/EHSdocs/Vector/BedBug/BedBugRegs_070112.pdf

LEAD Disclosure:

[http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/title4thephiladelphiabuildingconstructio/subcodeathephiladelphiaadministrativecod?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:philadelphia_pa\\$sanc=JD_SubcodeA](http://library.amlegal.com/nxt/gateway.dll/Pennsylvania/philadelphia_pa/title4thephiladelphiabuildingconstructio/subcodeathephiladelphiaadministrativecod?f=templates$fn=default.htm$3.0$vid=amlegal:philadelphia_pa$sanc=JD_SubcodeA)

Philadelphia [Health Code](#) - Needs to Include a New Section on Bed Bugs

A. Definitions

For purposes of this document, the following definitions apply:

Bed bugs - Bed bugs are an insect and are hereby declared to be a pest of significant public health importance and are subject to remediation provisions.

“Pest Management Professional” means a person who: is licensed, registered or certified by the State of Pennsylvania to perform pest control services pursuant to the Pennsylvania Pesticide Control Act of 1973 (P.L. 90, No. 24); and follows National Pest Management Association Best Practices, or another standard as determined by the

Commissioner for the remediation of bed bugs; and has received approved bed bug specific remediation training.

Responsible Party shall include the: Owner, Manager, Contractor, Tenant, or any Person having control over a property who fails to correct a condition that constitutes a nuisance as defined by the duties assigned in this Article. For example, the Owner will always be named as a Responsible Party, but in addition, a tenant or a Pest Management Professional (PMP) may "fail to correct a condition that constitutes a nuisance" and thus either tenant or PMP may also be named as an additional Responsible Party.

"Transient occupancy" means any occupancy on a daily or nightly basis, or any part thereof, for 30 or fewer consecutive days.

"Dwelling unit," "landlord," "rent" and "tenant" have the general meaning ascribed to those terms.

"Multiple rental unit building" means a building which contains four or more rental units.

"Multiple rental unit building" does not include a condominium or cooperative building.

"Rental unit" means any dwelling unit which is not owner occupied and is held out for rent to tenants, including any single family home held out for rent to tenants.

"Bedding" means any mattress, box spring, foundation, or studio couch made in whole or part from new or secondhand fabric, filling material, or other textile product or material and which can be used for sleeping or reclining purposes.

"Commissioner" means the commissioner of Philadelphia Department of Public Health.

B. Education and Outreach

The Philadelphia Department of Public Health (PDPH) shall provide an informational brochure to be given to tenants and the general public. It shall include at minimum, information concerning the following topics: prevention and identification of bed bugs, description of safe and effective best management practices, information on early detection and reporting, responsibilities of homeowners and tenants, and resources

provided by the city and agencies. The back cover shall be a copy of a report form that can be removed and mailed to the PDPH when a responsible party fails to remediate.

The Philadelphia Department of Public Health shall create an informational brochure to be provided at every temporary housing facility (hotels, motels, etc.) to inform travelers how to protect themselves from obtaining or spreading bed bugs.

The Philadelphia Department of Public Health shall engage in an educational campaign. This campaign shall be centered around: identification, countering stigmas that prevent reporting and obtaining resources, addressing other misinformation, warnings for dangerous and ineffective treatments, and other issues that would help in limiting the spread of the insects. The campaign should include, but is not required or limited to: advertisements with SEPTA, media (TV, radio, newspaper, and magazine), short videos, advertisements, public informational sessions, and billboards. Such efforts may be coordinated with other agencies and organizations including but not limited to the those who have been integral in the Philadelphia Bed Bug Task Force's efforts.

In an effort to educate the public, the Philadelphia Department of Public Health shall create and update as appropriate a website with comprehensive information on bed bugs, official city policy, and any recommendations and forms necessary for the enforcement of this Article. This shall include, but is not limited to, information for homeowners; information for property owners, building managers, and landlords; information for tenants; information for pest management professionals including licensing requirements and a list of bed bug specific courses.

The Philadelphia Department of Public Health shall create guidelines for what constitutes adequate bed bug specific training. Personnel providing the training must submit and obtain approval by the PDPH. Professional associations and government-supported programs currently providing bed bug remediation training, such as the National Pest Management Association (NPMA) and the PA IPM Program, shall be pre-approved unless PDPH revokes their approval.

The Philadelphia Department of Public Health shall create and maintain or contract for the creation and maintenance of records of bed bug treatments from data provided by **Pest Management Professionals**. The department shall create and maintain reports made to the department and any necessary information made available to the department that would allow for an evaluation of this policy. At a minimum, such data should include the date, address (with appropriate unit numbers), and methods used by **Pest Management Professionals**. If a resident reports an infestation and has a disease where scientific evidence demonstrates bed bug vector competence (Chagas Disease, Trench Fever, and any other disease similarly demonstrated diseases), a complete

record of the report and the remediations afterwards shall be created and maintained. With adequate agreements to protect privacy of the individual residents, any data sets may be provided to researchers at universities in Philadelphia for analysis or analyzed internally.

A 311 call script shall be created and used to record reports and provide information to residents. 311 shall forward callers as appropriate to the Philadelphia Department of Public Health, Licenses and Inspections (L&I), the Streets Department, and/or the Philadelphia Hoarding Task Force as deemed appropriate by the script.

The Philadelphia Department of Public Health shall create an online resource clearinghouse, and shall make available bed bug “do it yourself” (DIY) monitoring supplies (e.g., passive monitors/interceptors, silicone sealant, and mattress encasements). Personnel shall be adequately trained to inform consumers how to safely and appropriately use such products and provide other general bed bug information. Supplies will be made available to the general public, social service agencies, and the other outreach staff for appropriate distribution to those in need via the ten Philadelphia Health Centers and other reasonable points of distribution.

C. Housing

Public information - The Commissioner shall prepare and post on the PDPH's publicly available website a brochure containing, at a minimum, the following:

- a statement that the presence of bed bugs in any building or dwelling unit is a public nuisance because bed bugs are a pest of significant public health importance
- information on how to detect the presence of bed bugs
- information on how to prevent the spread of bed bugs within and between buildings
- a statement that tenants shall contact their landlord as soon as practicable if they suspect they have bed bugs in their dwelling unit
- contact information as to where people can obtain more information
- information relating to the licensing, registration or certification for pest control services by the Commonwealth of Pennsylvania.

1. Property Owners (Non-renting)

It is the responsibility of the owner of any property to remediate when an infestation of bed bugs is found, and to properly inspect if one is suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this Article.

At the purchase of any home, the seller or any person authorized to enter into such agreement on his behalf shall provide to prospective purchaser the informational brochure on bed bug prevention and treatment prepared by the Philadelphia Department of Public Health pursuant to this Article in paper or electronic form.

Sellers shall furnish to the prospective purchaser a written disclosure of the unit's bed bug infestation and remediation history for the previous three years. If there is no history of bed bug infestation, Sellers shall disclose that fact in writing. Such written disclosure must be signed by the Seller and the prospective purchaser prior to the date that the purchase agreement is executed. (see template for reproduction made available to Owners in the Resources and Reference List).

2. Property Owners (Renting)

Education and Outreach

For any rental agreement for a dwelling unit entered into or renewed prior to entering into or renewing such agreement, the landlord or any person authorized to enter into such agreement on his behalf shall provide to such tenant the informational brochure on bed bug prevention and treatment prepared by the Philadelphia Department of Public Health pursuant to this Article in paper or electronic form.

Prohibited from Leasing Rental Unit With Active Infestation

It shall be unlawful for any Owner, Operator, or Property Manager under this Article to rent a unit in which an infestation of any bed bugs is found or suspected, unless an inspection by a pest management professional or personnel who has received bed bug specific training, has determined that no evidence of bed bugs can be found and/or the infestation of the unit has been remediated. If bed bugs were found, the potential renters must be notified and allowed to terminate the lease or be provided with another equitable accommodation that is acceptable to the tenant.

Duty of Owner

It is the responsibility of the Owners, Operators and Property Managers of any property to remediate when an infestation of bed bugs is found, and to properly inspect if one is

suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this Article.

Disclosure

Owners, Operators and Property Managers shall furnish to the prospective tenant a written disclosure of the unit's bed bug infestation and remediation history for the previous three years. If there is no history of bed bug infestation, Owners, Operators and/or Property Managers shall disclose that fact in writing. Such written disclosure must be signed by the Owner, Operator and/or Property Manager and the tenant prior to the date that the tenant signs the lease agreement (see template for reproduction made available to Owners in the Resources and Reference List).

Written bed bug prevention and control plans must document how the Owner, Operator or Property Manager will:

- A. Educate tenants to prevent introduction of bed bugs to the property,
- B. Undertake housekeeping and building maintenance procedures to prevent bed bug harborage,
- C. Use monitoring devices on a proactive basis,
- D. Conduct routine monitoring inspections by bed bug specific trained employees and/or Pest Management Professionals
- E. Implement pest control interventions based on monitoring findings

Owners, Operators and Property Managers shall provide the written plan to PDPH regulatory staff upon request. The tenant shall receive a copy of the plan.

Where an Owner, Operator or Property Manager does not comply with any disclosure or education and outreach provisions, the Owner, Operator or Property Manager shall be denied the right to collect rent during or for the period of noncompliance. If the Owner, Operator or Property Manager knowingly fails to disclose the existence of an infestation, the tenant shall have the right to terminate the lease.

Remediation and Records

In any rental unit in which an infestation of bed bugs is found or reasonably suspected, it is the responsibility of the Owner, Operator or Property Manager to:

- A. Provide pest control services and regular monitoring until a period of 12 months has passed with no evidence of bed bugs by a pest management professional, or an owner or employee of owner who has passed bed bug remediation training.

- B. Maintain a written record of all complaints and pest control measures performed, including chemicals applied, by the pest management professional, owner or employee of owner on the rental unit. The record shall include reports and receipts prepared by the pest management professional. The record shall be maintained for three years and shall be open to inspection by authorized city personnel, including but not limited to Philadelphia Department of Public Health and Licensing and Inspections, and shall be available to the tenant and the courts upon request.
- C. Within 48 hours the landlord must acknowledge the complaint and within 10 days must have obtain remediation services.
- D. In buildings with multiple units:
 - a. inspection of the dwelling unit on either side of the affected dwelling unit and the unit directly above and below the affected dwelling unit shall be conducted. This pattern of inspection shall be continued until no further infestation is detected; or
 - b. any other method approved by the Commissioner in rules and regulations.

Control Plans

Owners, Operators and Property Managers of rental units in apartment buildings, duplexes and single-family homes with a history of bed bug infestations, shall develop, maintain, and follow a written bed bug prevention and control plan. Owners, Operators and Property Managers of all other such units are required to have a written bed bug prevention and control plan.

Provide Notification and Inspection Results

- A. Owners, Operators and Property Managers shall notify tenants in writing at least 24-hours in advance of entering a rental unit for inspection related to routine monitoring, bed bug complaint verification, unit preparation or remediation. Tenant may grant consent to enter in advance of the 24-hour period.
- B. The Owner, Operator or Property Manager shall ensure that all tenants in units that were investigated receive notice of the Pest Management Professional's findings relevant to their unit within one working day of receiving the PMP inspection report. For findings in common areas, the Owner, Operator or Property Manager shall ensure that all tenants receive notice of the PMP findings.
- C. The Owner, Operator or Property Manager shall provide at least two working days written notice to all affected tenants indicating the tenant's responsibility for unit preparation prior to a specific treatment date.

- D. The Owner, Operator or Property Manager shall arrange for necessary assistance to provide reasonable accommodations (e.g., assistance with room preparation, alternative pest treatments) to tenants with medically-documented disabilities, to the extent required by applicable City, County, State and Federal law.
- E. The Owner, Operator or Property Manager shall, after the final remediation by the PMP, ensure that monitoring devices are used for twelve months to confirm effective remediation. Only bed bug trained employees or a PMP shall place the monitoring devices. Either a PMP or a bed bug trained employee may provide periodic inspection of the monitoring devices.

Prohibition of Retaliation

An Owner, Operator or Property Manager may not knowingly terminate a tenancy, increase rent, decrease services, bring or threaten to bring a lawsuit against a tenant for possession or refuse to renew a lease or tenancy because the tenant has in good faith:

- A. Reported a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located to a competent governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code;
- B. Reported a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located to a community organization or the news media
- C. Sought the assistance of a community organization or the news media to remedy a bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located
- D. Requested the Owner, Operator or Property Manager to provide pest control measures for a bed bug infestation as required by a building code, health ordinance, other regulation, or the residential rental agreement
- E. Testified in any court or administrative proceeding concerning any bed bug infestation within the tenant's rental unit or the premises in which the tenant's rental unit is located.

If the Owner, Operator or Property Manager acts in violation of this subsection the tenant has a defense in any retaliatory action against him for possession and is entitled to recover possession of the rental unit or terminate the rental agreement and, in either case, may recover an amount equal to two months rent or the damages sustained by him, whichever is greater, and reasonable attorneys' fees.

If the rental agreement is terminated, the Owner, Operator or Property Manager shall return all security and interest recoverable under and all prepaid rent. In an action by or against the tenant, if there is evidence of tenant conduct protected herein within one year prior to the alleged act of retaliation, that evidence shall create a rebuttable presumption that the Owner, Operator or Property Manager's conduct was retaliatory. The presumption shall not arise if the protected tenant activity was Initiated after the alleged act of retaliation.

3. Tenants

Prohibit Foreseeable Exposure

Tenants shall not knowingly bring into the building personal furnishings or belongings that are infested with bed bugs.

Mandated Reporting

After a tenant finds or reasonably suspects a bed bug infestation in the presence of the tenant's dwelling unit, the tenant shall notify within five days, in writing, the Owner, Operator or Property Manager of any known or reasonably suspected bed bug infestation in the presence of the tenant's dwelling unit, clothing, furniture or other personal property located in the building, or of any recurring or unexplained bites, irritation, or sores of the skin or body which the tenant reasonably suspects is caused by bed bugs.

Cooperate with Remediation

The tenant shall cooperate with the Owner, Operator or Property Manager in the remediation of a bed bug infestation found or reasonably suspected to be in the tenant's rental unit. As part of that cooperation, the tenant shall:

- A. not interfere with inspections or remediations
- B. after reasonable notice in writing to the tenant, grant access at reasonable times to the tenant's rental unit for purposes of bed bug infestation inspection or remediation
- C. make any necessary preparations, such as cleaning, dusting or vacuuming, prior to remediation in accordance with any pest management professional's recommendations
- D. dispose of any personal property that a pest management professional has determined cannot be remediated, before the treatment of the tenant's unit

Tenant - Tenants shall maintain their units free of cluttered conditions that prevent detection of bed bugs and that facilitate the harborage of bed bugs. Tenants shall be referred by Owners, Operator or Property Manager to resource agencies that help them address hoarding and cluttering behaviors, if that is considered to be a contributing factor.

Tenant - Where an Owner, Operator or Property Manager does not respond to the tenant's complaint of bed bugs within five working days of receiving tenant's complaint, the tenant shall report the complaint to the Philadelphia Department of Public Health using the City's 311 phone or web-based reporting system. Working days are defined as Monday through Friday, excluding legal holidays.

4. Condominiums - Must have a written protocol that follows current, documented best management practices. It is the responsibility of the owner of any property to remediate when an infestation of bed bugs is found, and to properly inspect if one is suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this Article.

For purposes of this section the following definitions apply: "Condominium unit" or "unit" has the meaning ascribed to that term in "Cooperative building" means a building or buildings and the tract, lot, or parcel on which the building or buildings are located and fee title to the land and building or buildings is owned by a corporation or other legal entity in which the shareholders or other co-owners each also have a long-term proprietary lease or other long-term arrangement of exclusive possession for a specific unit of occupancy space located within the same building or buildings. "Cooperative" is an individual dwelling unit within a cooperative building. "Governing association" means the board of managers of a condominium homeowners' association or the board of directors of a cooperative building.

Condominium and cooperative buildings must have a plan for remediation of bed bugs:

- A. No later than 90 days after the effective date of this section, the governing association of a condominium or cooperative building shall prepare a pest management plan for the detection, inspection and remediation of bed bugs in the building.
- B. The governing association shall maintain written records of any pest control measures in the building performed by a pest management professional retained by the governing association and any report prepared by the pest management professional. The plan and records shall be:

- a. maintained either on-site in the building or at the property management office;
 - b. maintained for three years; and
 - c. open to inspection upon request by authorized city personnel, including but not limited to employees of the Philadelphia Departments of Public Health and Licenses and Inspections (L&I).
- C. Every owner of condominium unit or a lessee with a proprietary lease in a cooperative shall immediately notify, in writing, the governing association of any known or reasonably suspected bed bug infestation in the presence of the unit or cooperative, clothing, furniture or other personal property located in the unit or cooperative, and cooperate with the governing association in the control, treatment and remediation of bed bug infestation found or suspected to be in the unit or cooperative.
- D. The Commissioner shall prepare and post on the Philadelphia Department of Public Health's publicly accessible website a sample plan for the detection, inspection and remediation of bed bugs for the governing association of condominium or cooperative building. The sample plan shall set forth the current documented best management practices for the detection and remediation of bed bugs in such buildings.

Owners, Operators and Property Managers shall furnish to the prospective tenant or purchaser written disclosure of the unit's bed bug infestation and remediation history for the previous three years. If there is no history of bed bug infestation, Owners, Operators and/or Property Managers shall disclose that fact in writing. Such written disclosure must be signed by the Owner, Operator and/or Property Manager and the prospective tenant or purchaser prior to the date that the tenant signs the lease agreement or the purchaser completes the transaction (see template for reproduction made available to Owners in the Resources and Reference List).

5. Shelters and Group Homes

It is the responsibility of the institution to remediate when an infestation of bed bugs is found or suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this article.

Shelters and Group Homes shall develop, maintain, and follow a written bed bug prevention and control plan that follows current, documented best management practices. An example plan using current best management practices will be made

available by the Philadelphia Department of Public Health. Owners, Operators and Property Managers shall provide the written plan to PDPH regulatory staff, L&I staff, or to any resident or family of resident of the rental unit upon request.

In cases where the establishment is required to provide the tenant assistance with activities of daily living or mandatory services, the landlord will be responsible to make the necessary preparations, such as cleaning, dusting or vacuuming, of the tenant's rental unit prior to treatment in accordance with any pest management professional's recommendations. For purposes of this subsection, the terms "assistance with activities of daily living," "assisted living establishment," "mandatory services" and "shared housing establishment" have the meaning ascribed to those terms

6. Hotels and Other Temporary Housing

It is the responsibility of the facility to remediate when an infestation of bed bugs is found or suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this article.

Owners, Operators and Property Managers of all residential and tourist hotels shall develop, maintain, and follow a written bed bug prevention and control plan (see PDPH provided sample fill-in written plan in the Resources and References List).

Owners, Operators and Property Managers of all dwelling units leased on a short-term basis (i.e., daily, weekly or less than 30 days) shall place and observe monitoring devices for the presence of bed bugs at least monthly. Monitoring shall be conducted by individuals who are a licensed Pest Management Professional or by employees trained to identify bed bugs. Owners, Operators and Property Managers shall produce these monitoring records to PDPH regulatory staff upon request.

It shall be unlawful for any property owner or manager under this which provides sleeping accommodations for hire or rent for transient occupancy by guests to rent, hire, or otherwise provide, any such sleeping accommodation in which an infestation of any bed bugs is found or suspected, unless an inspection by the pest management professional has determined that no evidence of bed bugs can be found and verified.

D. Public Spaces and Facilities

It is the responsibility of the facility to remediate when an infestation of bed bugs is found or suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this article.

All public spaces and facilities shall develop, maintain, and follow a written bed bug prevention and control plan that follows current, documented best management practices. An example plan using current best management practices will be made available by the Philadelphia Department of Public Health. Owners, Operators and Property Managers shall provide the written plan to PDPH regulatory staff and L&I staff upon request.

Special facilities, such as: health centers, health care and social services environments, libraries, public transportation, schools and early learning environments, and municipal buildings, should develop thorough plans using current, documented best management practices. It is highly recommended that they seek the advice of the Philadelphia Department of Public Health in developing proactive and reasonable plans. Many of the current practices in these facilities may not be effective.

The PDPH Environmental Health Services shall secure funding via grants for public spaces and facilities to invest in bed bug remediation and monitoring supplies.

E. Businesses

It is the responsibility of the business to remediate when an infestation of bed bugs is found or suspected. The presence of an infestation cannot result in enforcement; however, failure to remediate, can result in violation and further enforcement of this article.

All businesses shall develop, maintain, and follow a written bed bug prevention and control plan that follows current, documented best management practices. An example plan using current best practice will be made available by the Philadelphia Department of Public Health. Owners, Operators and Property Managers shall provide the written plan to PDPH regulatory staff and L&I staff upon request.

The City recognizes and may enforce OSHA regulations concerning insect harborages including bed bugs under the General Duty Clause¹⁵ and 29 C.F.R. §1910.141(a)(5), which states:

Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective remediation program shall be instituted where their presence is detected.

F. Enforcement

Health Commissioner - Enforcement powers and duties.

The commissioner of health shall have the following powers and duties:

- A. To enforce all the laws of the state and provisions of this Article in relation to matters pertaining to the public health and sanitary conditions of the city;
- B. To enforce all regulations of the Philadelphia Department of Public Health or any other federal, state or local authority with power to make regulations concerning the public health;
- C. To cause all nuisances affecting the health of the public to be remediated with all reasonable promptness;
- D. To determine when a disease is communicable or epidemic, and establish quarantine regulations whenever it is deemed necessary
- E. To enforce all other code provisions applicable to bed bugs.

Rules. The Commissioner of Philadelphia Department of Public Health, and the Commissioner of Licenses and Inspections shall have authority to promulgate rules and regulations necessary to implement this Article. The Commissioner of Licenses and Inspections should report cases to the Philadelphia Department of Public Health.

Enforcement:

Inspectors from the Philadelphia Departments of Public Health, and Licenses and Inspections shall have authority to inspect the interior and exterior of buildings, other structures, or parcels on which a building is located for bed bug infestation and when any evidence is found indicating the presence of bed bugs at that site and to report such evidence to the appropriate Commissioner. Reports of infestations and re-infestations from adjoining properties may result in a notice of violation and, if needed, subsequent inspection.

This Article may be enforced by the Philadelphia Department of Public Health. In addition, Licenses and Inspections shall refer suspected violations to the Philadelphia Department of Public Health.

The Philadelphia Department of Public Health, Environmental Health Services shall issue a Notice of Violation whenever a Responsible Party has failed to comply with the laws and rules authorized by this article. The Notice of Violation shall include notification to the Responsible Party that failure to comply may result in applicable fines, penalties and recovery of administrative and/or legal fees and costs.

Whenever the PDPH Environmental Health Services issues a Notice of Violation to correct a bed bug infestation and determines after 15 days that remediation has or is not occurring or has or is not appropriately scheduled, PDPH shall perform an inspection of the property. If PDPH find that a violation is occurring, it may issue to any person who violates this Article a fine not less than \$300 nor more than \$500 for the first violation, not less than \$500 nor more than \$1,000 for the second violation within twelve-months of the first violation, and not less than \$1,000 nor more than \$2,000 for the third or subsequent violation within such twelve-month period. Each day that a violation continues shall constitute a separate and distinct offense to which a separate fine shall apply.

PDPH regulatory staff shall name any Person whose actions have impaired compliance with the Notice of Violation as a Responsible Party in addition to the Owner, Operator or Property Manager; this may include a Tenant or a PMP, if they failed to follow the mandates of these rules and regulations.

No Fault Situation

The mere presence of insects is not grounds for civil, criminal, or regulatory penalty. Civil, criminal, or regulatory penalties may occur when responsible parties do not fulfill their duty outlined in this article to remediate a bed bug complaint.

PRIVATE RIGHT OF ACTION

Where a responsible party does not comply with any provision of this Article. The harmed parties shall be entitled to bring an action in a court of competent jurisdiction and a prevailing harmed party shall be entitled to the following remedies:

- A. an order requiring the responsible party to comply with the requirements of this Article;
- B. damages for any harm caused by the failure to comply with this Article;
- C. exemplary damages of up to \$2,000;
- D. remediation and refund of rent for any period in which the tenant occupies the property without a compliance; and
- E. attorney's fees and costs.

G. Resources for Elderly, Disabled, and Low-Income

Elderly, disabled and many low-income residents face special challenges: the cost of bed bug treatment; the burden of physical preparation for remediation; and coping with the long-term (30 days or more) disruption that remediation entails.

The Commissioner shall create criteria to determine when an individual lacks socioeconomic resources to properly prepare his home for treatment. This criteria shall determine if the individual lacks family, community, and financial resources. PDPH shall inform the individual about such resources when they are available. In the rare case where such resources are not available, Vector Control shall assist in the preparation of the home by department personnel or a subsidy. As resources permit, similar criteria could be used to provide remediation by personnel or subsidy.

H. Other Provisions

Home Visitors: First responders, businesses, agencies, and organizations with personnel that regularly enter homes, shall develop, maintain, and follow a written bed bug prevention plan that uses current, document best management practices to prevent the spread of insects to new homes. Such plan must include adequate bed bug training of personnel entering the homes. An example plan using current, documented best management practice will be made available by the Philadelphia Department of Public Health. Owners, Operators and Property Managers shall provide the written plan to PDPH regulatory staff and L&I staff upon request.

Transmittable Diseases: If a resident reports an infestation and has a disease where scientific evidence demonstrates bed bug vector competence (Chagas Disease, Trench Fever, and any other disease similarly demonstrated diseases), Vector control shall treat these homes free of charge to prevent transmission.

Dedicated Disposal: The Philadelphia Department of Public Health shall work across departments with the Philadelphia Streets Department in providing dedicated trash trucks to efficiently remove bed bug infested materials to prevent further dispersal.

Transportation (e.g., SETPA, Taxis, Uber): shall develop, maintain, and follow a written bed bug prevention plan that uses current, document best management practices to prevent the spread of the insects.

Funding: Appropriate funding for the Philadelphia Department of Public Health to implement this Article will be determined and appropriated. Adequate funding must be

provided for resources for elderly, disabled, and low-income residents, and for the employment of trained personnel. These expenses shall be provided for the first two years by general revenue. Fees and penalties generated by the enforcement of this Article shall be returned to the PDPH to fund this article after that period. The Philadelphia Bed Bug Task Force further recommends, and all or most members would approve, of a small excise tax for continued funding of this Article, though a specific item for taxation was not determined.

Cooperative: PDPH Environmental Health Services shall investigate and facilitate the development of a bed bug cooperative. This may take on different forms from facilitating groups to negotiate better rates with Pest Management Professionals or result in specific bed bug no-fault insurance policy.

Training: The PDPH Environmental Health Services shall investigate and facilitate the development of a program to train future bed bug specific Pest Management Professionals. This may be specially tailored for returning citizens and veterans or other underemployed groups.

Links to Best Management Practices, Model Resources, and Templates:

Bed Bug Guidelines for Social Service Providers Who Conduct Home Visits

<http://www.bedbugs.umn.edu/files/2012/05/Social-service-homevisit-guidelines-Y2013M09D18.pdf>

Bed Bugs: What Schools Need to Know

https://www.michigan.gov/documents/emergingdiseases/Bed_bugs_schools_293498_7.pdf

Guidelines for Dealing with Bed Bugs in an Office or Commercial Building

<http://www.nyc.gov/html/doh/bedbugs/downloads/pdf/bed-bugs-office.pdf>

Guidelines for Prevention and Management of Bed Bugs in Shelters and Group Living Facilities http://nysipm.cornell.edu/publications/bb_guidelines/default.asp

Libraries (this is an article, but might be a place to start)

<http://lj.libraryjournal.com/2013/07/lj-in-print/dont-let-the-book-bugs-bite/>

National Pest Management Association (NPMA) Best Management Practices (BMP)

<http://www.bedbugbmps.org/best-practices>

Pennsylvania Applicator Certification

<http://extension.psu.edu/pests/pesticide-education/applicators/certification/brochure>

Sample complaint form

<https://www.sfdph.org/dph/files/EHSdocs/Vector/BedBug/BBComplaintReportForm.pdf>

What's Working for Bed Bug Control in Multifamily Housing: Reconciling best practices with research and the realities of implementation

http://www.nchh.org/Portals/0/Contents/bedbug_report.pdf

3. Summary

Bed bugs have been with us for a long time. In reality, they never completely went away, and they likely never will. There is no “one size fits all” and there will probably never be a “silver bullet” for bed bug remediation. It is going to take continued working together across multiple agencies and disciplines, coupled with an integrated pest management approach to bed bug remediation, and ongoing research in order to knock bed bug populations back to undetectable levels.

The Philadelphia Bed Bug Task Force would like to thank Philadelphia 1st District City Councilman Mark Squilla for his dedication and support of this important policy. We would also like to thank: the City of Lancaster (PA), New York City, Chicago, San Francisco, and many other municipalities across North America for being leaders in enacting bed bug policies, and for their willingness to share what they have developed and accomplished; the Pennsylvania Department of Agriculture, Bureau of Plant Industry for their time and guidance on Pennsylvania pesticide laws and regulations; and the citizens of Philadelphia for their input throughout this process.

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James Buehler	Philadelphia Department of Public Health, Health Commissioner
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