



January 24, 2022

Senator Joanne Benson
24th Legislative District – Prince George’s County
James Senate Office Building
11 Bladen Street, Room 214
Annapolis, MD 21401

Re: Maryland State Pest Control Association (MSPCA) Supports Passage With Amendments of Senator Benson’s Bed Bug Legislation – SB 529

Dear Senator Benson and Co-Sponsors of SB 529:

The Maryland State Pest Control Association (MSPCA), the only trade group for structural pest management companies or “pest control” companies in Maryland, appreciates the opportunity to provide testimony on SB 529 – landlord-tenant bed bug legislation. MSPCA member companies manage pests including rodents, ants, cockroaches, bed bugs, mosquitoes, spiders, stinging insects, termites, ticks, and other pests in countless commercial, residential, and institutional settings. MSPCA members are committed to providing quality pest management services that protect public health, food and property.

We want to be constructive in the policymaking process and applaud Senator Benson for attempting to solve the bed bug crisis in our state. In short, this is an excellent bill. We strongly support Senator Benson’s legislation because it is rooted in science, bed bug policies like SB 529 have been shown to effectively reduce bed bug infestations in other jurisdictions, and SB 529 recognizes that the professional pest control industry is a private-sector solution to a public health problem.¹ We hold in high regard Senator Benson’s efforts to deliver justice to Marylanders suffering from bed bug infestations.

Maryland & County Departments of Public Health Recommend Pest Control Professionals Treat for Bed Bugs

Bed bugs are difficult to nearly impossible for uncertified and untrained individuals to manage effectively compared to pest control professionals.² In fact, the Maryland Department of Health³,

¹ Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider, "Socioeconomic Drivers of Urban Pest Prevalence," *People and Nature*, 2020, <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/pan3.10096>

² Gail E Ridge, "Legislative Testimony: An Act Concerning the Rights and Responsibilities of Landlords and Tenants Regarding the Treatments of Bed Bug Infestations." <https://www.cga.ct.gov/2016/HSGdata/Tmy/2016HB-05335-R000223-Dr.%20Gale%20Ridge-TMY.PDF>

³ “Bed Bugs Fact Sheet,” Maryland Department of Health and Mental Hygiene, https://health.maryland.gov/phpa/IDEHSharedDocuments/Bed_Bugs_Fact_Sheet_Maryland_DHMH.pdf

Baltimore City Department of Health⁴, Anne Arundel Department of Health,⁵ and other county departments of health across Maryland recommend that treatments be provided by licensed pest control businesses.⁶ It is past time for our laws to reflect entomological and public health recommendations to tackle our bed bug crisis.

Bed Bugs Disproportionately Impact Vulnerable Populations

Unfortunately, previous studies have illustrated a higher prevalence of bed bug infestations in neighborhoods with lower incomes than those with higher incomes.⁷ In support of this generalized conclusion, it was recently discovered that a low-income household was 8 to 12 times more likely to have a bed bug infestation than a high-income household.⁸ Bed bugs feed on human blood, cause rashes, and another academic study found that 81% of individuals afflicted with bed bugs reported psychological effects from the infestations.⁹ There is evidence that bed bug infestations are exacerbated by poverty and the public health burden falls disproportionately on more impoverished neighborhoods; this provides empirical support for the argument that the contemporary bed bug crisis is an issue of social justice.¹⁰

Current Maryland Law and Fault-Based Standards Exacerbate Bed Bug Infestations

The current structure of landlord–tenant law encourages behaviors that contribute to the spread of bed bugs.¹¹ In Maryland and in county livability codes, it is the landlord’s responsibility in multi-unit housing to control bed bugs, unfortunately, the current laws still permit landlords to attribute fault or responsibility to the tenant.¹² This is called a “fault-based standard” that allows for the landlord to attribute or blame bed bug infestations on tenants, along with the associated expenses, and this leads to disputes and delays treatment.¹³ According to Megan Harrison of the Georgia State University Law Review on how fault-based standards worsen bed bug infestations:

Notably, for purposes of liability, identifying the source of a bedbug infestation is difficult, especially in multi-unit facilities, and it is almost impossible to prove fault... Statutory solutions must clearly assign responsibility for exterminating bed bug infestations to landlords, regardless of fault. Fault-based standards fail to promote judicial efficiency or

⁴ “Bed Bugs,” Baltimore City Department of Health <https://health.baltimorecity.gov/node/2026>

⁵ <https://www.aahealth.org/bed-bugs-fact-sheet-mdoh/>

⁶ <https://smchd.org/bed-bugs/>,

⁷ Erin Blakemore, "Bed Bugs More Prevalent in Areas with Lower Incomes, Higher Eviction Rates and Crowding, Researchers Confirm," The Washington Post, June 06, 2020, https://www.washingtonpost.com/science/bed-bugs-more-prevalent-in-areas-with-lower-incomes-higher-eviction-rates-and-crowding-researchers-confirm/2020/06/04/1d6e42e8-a67f-11ea-bb20-ebf0921f3bbd_story.html

⁸ Erin Blakemore, "Bed Bugs More Prevalent in Areas with Lower Incomes, Higher Eviction Rates and Crowding, Researchers Confirm,"

⁹ Jerome Goddard and Richard De Shazo, "Psychological Effects of Bed Bug Attacks (*Cimex Lectularius* L.)," *The American Journal of Medicine* 125, no. 1 (2012): [https://www.amjmed.com/article/S0002-9343\(11\)00749-2/fulltext](https://www.amjmed.com/article/S0002-9343(11)00749-2/fulltext)

¹⁰ Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider

¹¹ Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*, 34 Ga. St. U. L. Rev. 479 (2018). Available at: <https://readingroom.law.gsu.edu/gsulr/vol34/iss2/6>

¹² Harford County Minimum Livability Code § 162-15E(3), <https://ecode360.com/9373409>, Prince George’s County Minimum Livability Code – 309.4, <https://codes.iccsafe.org/content/IPMC2015/chapter-3-general-requirements>

¹³ Md. Code Ann., Public Safety, § § 12-203,

public health, as disputes and delays in treatment are inevitable. The most challenging aspect of bed bug litigation is proving the origins of an infestation. The uncertainties of eradication, the resiliency of bed bugs, and their quick reproductive cycle make fault a particularly difficult question.¹⁴

Senator Benson's bed bug bill addresses the problem of fault-based standards head-on and mirrors what other states are implementing around the country.

Landlord-Tenant Bed Bug Legislation is a Common Solution Around the Country

In response to the growing frequency of infestations, states are passing bed bug-specific legislation to clarify landlord and tenant roles.¹⁵ However, in the absence of such laws, there is no framework to assist landlords and tenants with managing bed bug infestations.¹⁶

States, cities, and entomologists around the country recognize the pest control industry as a private-sector solution to this public health problem. Maine¹⁷, Connecticut¹⁸, and Colorado¹⁹ all have laws at the state-level that outline duties and responsibilities for landlords, tenants, and pest control professionals when bed bug infestations occur. In fact, the Colorado bed bug law sponsored by Representative Leslie Herod was endorsed as model legislation by the National Black Caucus of State Legislators (NBCSL) in December of 2020.²⁰ MSPCA also shares the sentiment that the Colorado bed bug law should be a model for the country. We are pleased to see that Senator Benson's bill tracks this closely.

In summary, SB 529 is an excellent and necessary bill, as it would allow for both landlords and tenants to win regarding bed bug infestations. This legislation incentivizes tenants to notify landlords of a potential bed bug infestation, and landlords are required to hire professional pest control to inspect for and, if necessary, treat for bed bugs.

Tenants win because they are legally protected and permitted to come forward about a potential bed bug infestation without fear of retribution or eviction. Knowledgeable, licensed, and trained pest control professionals inspecting and treating for bed bugs is ultimately the best way to ensure that an infestation in their home is sufficiently addressed.

Landlords win because their property values are protected, it reduces the likelihood of negative reviews by tenants complaining about bed bug infestations, bed bugs are not spreading to and from adjacent units, and it reduces costs by addressing the problem early—in a proactive manner.²¹

¹⁴ Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

¹⁵ Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

¹⁶ Megan M. Harrison, *Don't Let the Bed Bugs Bill: Landlord Liability for Bed Bug Infestations in Georgia*

¹⁷ Maine Bed Bug Law, <https://www.mainelegislature.org/legis/statutes/14/title14sec6021-A.html>

¹⁸ Connecticut Bed Bug Law, https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2016

¹⁹ Colorado Bed Bug Law, <https://leg.colorado.gov/bills/hb19-1328>

²⁰ National Black Caucus of State Legislators (NBCSL), Model Legislation, <https://nbcsl.org/public-policy/model-legislation/item/2246-state-of-colorado-hb19-1328-landlord-and-tenant-duties-regarding-bed-bugs.html>

²¹ "Dynamics of bed bug infestations and control under disclosure policies," Proceedings of the National Academy of Sciences, <https://www.pnas.org/content/early/2019/02/26/1814647116>

Last but not least, states also win because they enact an effective solution into law with little to no fiscal impact on state budgets.^{22 23}

Conclusion

In conclusion, MSPCA shares the same view held by entomologists and health departments across Maryland – and urges that all bed bug inspections and treatments be conducted by pest control professionals. Policies like SB 529 are effective at reducing the prevalence of bed bug infestations over time, as illustrated by a recent study on Chicago’s bed bug ordinance.²⁴ The science tells us that bed bugs are not a personal problem where tenants should be blamed; rather, bed bugs are ubiquitous and are a societal crisis. Senator Benson’s bed bug bill will help the State of Maryland address this crisis.

Please pass SB 529. We are very supportive of delivering justice to the people of Maryland suffering from bed bugs. Should you have any questions don’t hesitate to contact myself or Jake Plevelich, NPMA Director of Public Policy at jplevelich@pestworld.org. Thank you for your time and the opportunity to share our views on this important piece of legislation.

Sincerely,

Dr. Lucas Carnohan, BCE
State Policy Affairs Representative
Maryland State Pest Control Association

²² Colorado Bed Bug Law Fiscal Note 19-HB1328, https://leg.colorado.gov/sites/default/files/documents/2019A/bills/fn/2019a_hb1328_fl.pdf

²³ Connecticut Bed Bug Law Fiscal Note HB 5335, <https://www.cga.ct.gov/2016/FN/2016HB-05335-R010751-FN.htm>

²⁴ Chris Sutherland, Andrew J. Greenlee, and Daniel Schneider