

Commerce Committee

Tear Gas / Chemical Irritant Cleanup – Insurance and Remediation Standards

Chair and members of the committee,

My name is Colin Hortman. I am the son of Mark and Melissa Hortman. I am submitting this written testimony to explain the process my family went through to get my parents' home properly cleaned after tear gas and other chemical irritants were deployed inside. I spoke in Public Safety about the difficulty of the cleanup itself. For Commerce, I want to focus more on the insurance process, the dispute over what proper remediation meant, and how hard it was to get to a result that professionals agreed was the industry standard from the beginning.

This was my childhood home. After my parents were attacked and killed, law enforcement deployed tear gas throughout the house because they believed the suspect might still be inside. There were multiple canisters used, at least one in every room, and the home was left with a heavy chemical residue on surfaces, in carpets, in furniture, and in the air system. From the beginning, the question was not whether the house needed to be cleaned, but how it needed to be cleaned, and who was going to pay for it.

Our homeowners insurance denied coverage early because the residue was considered a pollutant. We later learned that under Minnesota law, the agency that deploys tear gas is responsible for the cleanup, and that meant the city's insurance would ultimately be involved. Once the insurers met and understood who was responsible, coverage itself was not the main dispute. The dispute was over the scope of the cleanup.

The initial position from the insurance side was that the house could be cleaned with basic methods — general cleaning, soap and water, normal vacuuming. The biohazard remediation contractor we were working with told us that was not how tear gas contamination is handled according to industry standards. They explained that the residue can remain active, can continue to irritate skin and lungs, and in some cases can leave behind carcinogenic compounds if it is not neutralized correctly. Their recommendation was to use chemical neutralizers, HEPA filtration, and full protective gear, and to treat the home as a contaminated environment, not just a dirty one.

At first, I did not know who to trust. I don't trust contractors, and I don't trust insurance companies either, and suddenly I was in a situation where I had to decide which one was right. I spent weeks talking to other cleanup companies, getting additional quotes, reading about tear gas remediation, and trying to understand what the normal process was supposed to be. Every contractor I spoke to described the same type of cleanup, but that still was not enough for the insurer. They wanted their own testing and their own analysis before agreeing to the work. That led to months of delay.

The first round of testing did not look at all of the possible chemical agents that could have been used, and the sampling methods were questioned by the professionals we were working with. We were told the testing was not broad enough to fully understand what was in the home. Because of that, we were advised to hire an independent industrial hygienist with experience in this type of contamination.

The hygienist we hired was recommended by people in the state government and in the private sector who had dealt with similar situations before. We also ran the choice by our contractor and other professionals we had spoken to, because by that point I had learned that you have to verify everything yourself. The hygienist conducted more complete testing, followed industry standards, and wrote a formal report on what was needed to make the home safe.

That report confirmed what the contractors had said from the beginning. The home needed neutralization, filtration, protective cleanup procedures, and a much more thorough remediation than what had first been proposed. Even after that report, there was still back and forth. The insurer had questions about the scope, wanted adjustments, and more time passed while reports were reviewed, discussed, and negotiated.

From the outside, cleanup sounds like something that should take a few weeks. In reality, the cleanup itself took only a few weeks. The process of getting approval to do it the right way took months.

It was about six weeks before responsibility for the cleanup was fully sorted out. Testing began in the second month and took weeks to come back. Reviewing that testing, disputing it, and arranging additional testing took another couple of months. After that there were more weeks of negotiation before the final scope of work was approved. Cleanup did not begin until around seven months after the incident, and the home was not fully done until about eight months later.

The cost estimates were large. The first approval was for a much smaller amount, and the final cleanup ended up being in the six-figure range, which was what the contractors had said from the start would be required to do it safely and correctly. During that time there was constant pressure, sometimes from the insurance side and sometimes even from people close to us, to just accept the cheaper option and be done with it. I understand why people say that. When something like this happens, you want it over. You want to move on. You want your life back.

In our case, we had the ability to wait. We had legal help because of the criminal case. We had connections to people in state government who could point us in the right direction. We had the financial ability to wait months for testing, reports, and negotiations without needing the house cleaned immediately to pay for something else. Most people are not in that position.

If we had been living in the house, we probably would have accepted the first proposal just to get back inside. If we needed to sell the home quickly, we might have taken the cheaper cleanup just to close the sale. If we did not have lawyers and outside experts helping us, we would not have known that the first proposal was not the industry standard. In that situation, a family could end up with a home that still has chemical residue in it, and they might never know. They would assume the cleanup was done correctly because the insurance company approved it.

The delay also had a significant emotional cost. This was my childhood home, and after my parents died there were things I wanted to do there as part of grieving and healing that had to be put on hold for months while we argued over cleanup standards. That wait came on top of everything else our family was dealing with — the public nature of the case, the criminal proceedings, the trauma to our family, and the fact that nothing about the situation felt normal. Having to fight for months just to get the house cleaned the way professionals said it should be cleaned felt like the last thing we should have had to deal with.

I am sharing this because I do not think our situation was unique, except for the fact that we had the resources to push back. Most homeowners will not have lawyers, outside experts, or time to spend months learning about remediation standards and insurance rules. They will accept what they are told, even if it is not enough to make their home safe.

Clear standards for tear gas remediation, clearer expectations for insurers, and a process that does not require months of testing and negotiation would make a real difference for people who are already dealing with one of the worst moments of their lives.

Thank you for your time, and for your work on this issue.

Colin Hortman