

Public Safety Committee
Tear Gas / Chemical Irritant Cleanup Legislation

Chair and members of the committee,

My name is Colin Hortman. I am the son of the late Mark and Melissa Hortman. I am submitting this testimony to describe the process my family faced in cleaning up my parents' home after law enforcement deployed tear gas and other chemical irritants inside the house. This was my childhood home, the place where I grew up, where I learned to cook with my mom, and where I built robots with my dad. After my parents were murdered, that home also became the place where my family had to navigate a long and confusing cleanup process that I would not want any other family to go through.

After the incident, law enforcement deployed tear gas throughout the home because they believed the perpetrator might still be inside. I was never given an exact number of devices used, but I know there were at least a dozen canisters, with at least one deployed in every room, and sometimes more than one. The deployment caused obvious physical damage to the house, including broken windows, damaged blinds, and drywall that had to be replaced. The less visible damage, however, came from the chemical residue left behind.

We were told early on that the active effects of tear gas would only last a few days. In reality, the residue remained much longer. When I went into the home during the first week to try to collect sentimental items, the powder left behind still irritated my skin, my eyes, and my sinuses. Every step on the carpet and every item I moved kicked more of the irritant into the air. At the time, I did not understand that the residue could still be hazardous or that proper protective equipment should be worn when entering a contaminated space.

Because of the amount of residue, we were not truly able to enter the home safely for months. The actual remediation was not completed until nearly eight months later. During that time, the house could not be lived in, could not be sold, and could not even be fully accessed without risking exposure to the chemicals that had been used.

One of the biggest challenges we faced was simply figuring out what had been deployed inside the house. When we first contacted the remediation contractor, they asked us what chemicals had been used so they could determine how to test and clean the home. We did not know. We worked with the contractor to request that information from the city. The records we received did not clearly state exactly what was used or how much. Instead, we were sent safety data sheets for several different chemical agents that could have been deployed. Without knowing the specific type and amount used, it was difficult for the professionals to determine the proper scope of cleanup.

We also learned during this process that under Minnesota law, the agency that deploys tear gas is responsible for the cost of cleanup. However, this was not something we knew at the beginning. Our homeowners insurance initially denied coverage because the residue was considered a pollutant. It took time, and help from professionals, to understand that the city was responsible and to figure out how to request the cleanup be done correctly.

Even after responsibility was established, there were disagreements about what proper remediation required. Initial suggestions involved basic cleaning, but the remediation professionals told us that because of the number of devices used, the home needed specialized filtration, neutralizing chemicals, protective equipment, and thorough decontamination in order to be safe. This back-and-forth added more time to a process that was already emotionally difficult.

After working with lawyers, remediation professionals, experts in the chemical field and state workers we hired a company to test for chemicals in the home. The testing company that we hired took a much more comprehensive sampling and followed industry standards in a way that the insurance company testing company did not. The test revealed the extent of the residue left inside, on the walls, and in the carpet. The same scope that the contractor originally recommended now had the evidence to firmly state the correct clean up procedures. Finally the city insurance company agreed to a settlement that included paying for the full scope of work that was presented in the first few weeks. This delay, confusion, and overall process was agonizing.

My family was in a position where we could wait for the cleanup to be done correctly. Many people are not. When tear gas is used in someone's home, they may still be living there, they may need to sell the home, or they may need the cleanup completed quickly in order to move on with their lives. Without clear information about what chemicals were used, and without clear guidance about what proper remediation requires, families can feel pressure to accept whatever cleanup is offered, even if it is not enough to remove hazardous residue.

I am sharing this experience because I want future victims to have a clearer path than we did. At a minimum, homeowners should be told exactly what chemical agents were used, how much was used, and should be given the safety data sheets immediately. Remediation professionals should not have to guess what may have been deployed, and families should not have to spend months trying to get basic information about what is inside their own home.

Clear notice requirements and better documentation would make this process faster, safer, and less traumatic for people who are already going through one of the worst experiences of their lives.

Thank you for your time and for your work to help future victims.

Colin Hortman