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Sen. Paul R. Feeney, Senate Chair  
Rep. James M. Murphy, House Chair  
Joint Committee on Financial Services  
State House  
Boston, MA 02133

Re: Please support Senate Bill 648 and House Bill 1129,  
An Act relative to the remediation of home heating oil releases

Dear Chairman Feeney, Chairman Murphy, and Committee Members:

I am an 87 year old retiree and have been a Massachusetts resident for the past 50 years, 35 of work life while raising with my wife a family in Andover, and 15 years retired in Westminster. I served over 20 years as a volunteer warden for the Andover Village Improvement Society, maintaining the Goldsmith Woodland owned by the now called Boston Foundation. In the 70's I was Executive Director of the Merrimack Valley Health Planning Council, in the 80's Deputy Director of the Health Planning Council for Greater Boston, and in the 90's, administered Coordination of Benefits for Blue Cross Blue Shield.

My wife and I are currently in the middle of a very costly home heating oil cleanup from an oil filter failure, having already spent over \$100,000 and committed to another projected \$100,000. My homeowners insurer has not paid a dime of this due to pollution and other exclusions in my policy. An earlier phase of the cleanup involved removing soil from underneath the basement floor, but after some 10 tons were removed, work was halted as the collapse of our home was threatened by unstable soils. A new plan was devised, approved by the Massachusetts Department of Environmental Protection (or MassDEP) and installed last week, using an in-ground depressurization system to vaporize and extract the remaining oil over the next year or two.

The oil spill occurred last year on August 14 when we detected a foul smell emanating from the basement and quickly discovered that the floor was covered with heating oil. My wife had suffered a stroke 2 years ago, and 3 years before had partial lung removal due to cancer. The oil spill has seriously impacted her well being. As a perennial holder of oil heating service

contracts, upon discovery of the oil release, I contacted my oil company, who came out, and later called the Westminster Fire Department and notified MassDEP. Unfortunately, so far, my oil company has not accepted responsibility for the oil spill, which it caused.

When our downsizing retirement home was built in Westminster 15 years ago, the heating system sub-contracting manager assured us that we would never have an oil leak by installing a costly Roth non-steel double-lined fuel storage tank that would not corrode. However, the spill was caused by a failed filter in the fuel line and the lack of an oil safety valve to prevent oil from siphoning out of the tank. The Committee may want to be assured that regulations properly address the safety valve issue.

On August 14, 2022, after the MassDEP official stated that we were responsible for the cleanup as the property owners, I did a thorough review of our 28-page policy only to find out on the next to last page that my insurer separately offered a rider for fuel oil spill coverage. Had I only known that I could have purchased a fuel oil rider that would have protected me for under \$100, I would have gladly paid for it. That revelation was the beginning of a nightmare not wished on anyone, especially retirees like us who have exhausted life savings and need to borrow equity in their home at rising interest rates.

We thank our senator, Anne Gobi, for presenting this bill. Her effort reflects her genuine empathy for the victimized homeowners of fuel oil spills. We thank her for her concern and her willingness to do something about it, and we trust her colleagues will join her in this effort. We also wish her Godspeed in her new position to begin next week in State government.

Given the bills' \$75,000 limit for first party property coverage and our own experience with our exorbitantly expensive first party soil cleanup, we are assuming that the Division of Insurance would allow insurance companies to provide and market supplemental or catastrophic coverage.

Thank you for allowing me to share my experience and look forward to your moving the bills to enactment.

Sincerely,

Paul A. Guerard