



December 9, 2022

Air Pollution Control Commission
Boston City Hall
Environment Department, Room 709
1 City Hall Square
Boston, MA 02201

RE: A Better City's Comments on BERDO 2.0 Phase 2A Regulations

Dear Chair Gerratt, Commissioner Brizius, and members of the Commission:

Thank you for working with the business community throughout the development of the BERDO 2.0 Regulations. We appreciate your willingness to make changes to Phase 2A draft regulations in response to A Better City's recent Phase 2 comments. We remain committed to working with you throughout this complex but essential regulatory process to ensure an aggressive but achievable BERDO 2.0 policy implementation.

Based on the changes made to Phase 2A draft regulations, there was one A Better City comment that didn't seem to be adequately addressed in your comments – A Better City's recommendation to consider allowing a grace period for hard-to-decarbonize Zero Net Carbon (ZNC) buildings transitioning to BERDO 2.0. This is a specific request for a change to BERDO 2.0 regulations, not ZNC zoning, as your response suggested.

To reiterate, some building sectors currently have limited or no proof of concept for Zero Net Carbon in new construction. Technology is not yet available for all building use types, and the cost to electrify the last 10-15% of emissions remains unfeasible for some of these building types. For these harder to decarbonize buildings, retaining some fossil fuel use for backup/standby for resiliency, heating, or as federally required for some healthcare facilities, is necessary. However, a ZNC building that becomes a BERDO 2.0 building a year after receiving a certificate of occupancy, will be faced with paying Alternative Compliance Payments for any fossil fuel use. A Better City therefore recommended a grace period for Alternative Compliance Payments under BERDO 2.0 until technologies are available and/or feasible. Alternatively, under these specific circumstances only, consideration could be given to broaden the compliance options available to meet the mitigation requirements for fossil fuel use to include verified carbon offsets with parameters to ensure effective, transparent, equitable carbon removal best practices like those clarified in [ABC's carbon offsets report](#).

Further consideration of this point would be greatly appreciated.

Thank you again for the opportunity to provide comments on the BERDO 2.0 Phase 2A draft regulations. If you have any questions or would like to discuss further, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads 'Y. L. Torrie'.

Yve Torrie
Director of Climate, Energy & Resilience