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July 14, 2025

Air Pollution Control Commission
Boston City Hall
Environment Department, ROOM 709
Boston, MA 02201

RE: A Better City's Comments on Proposed Updates to BERDO's Regulations and Policies and Procedures

Dear Commissioners:

On behalf of A Better City's 130 businesses and institutions, please see the following comments on proposed updates to BERDO regulations and policies and procedures that relate to the flexibility measure application processes, third-party verification, and clarification of language to already existing BERDO procedures.

Specifically, our comments under proposed updates to BERDO regulations relate to: removing requirements to record decisions related to flexibility measures in the Registry of Deeds; enabling the Review Board to grant exemptions on solar requirements without a Hardship Compliance Plan; developing an alternative reporting platform to ENERGY STAR Portfolio Manager; and moving the date for annual electric grid emissions factors. Our comments under proposed updates to BERDO policies and procedures relate to: updating projected electric grid emissions factors using a "semi-residual" emissions factor approach; developing an alternative environmental justice screening and mapping tool; and developing an alternative reporting platform to ENERGY STAR Portfolio Manager.

Thank you for your ongoing leadership—we remain ready to partner and support your efforts to find solutions to the challenges and opportunities within large existing buildings to achieve our statutory climate commitments.

Sincerely,

Y. L. Torrie

Yve Torrie
Director of Climate, Energy, & Resilience



BERDO Proposed Regulations Updates

Removing Requirements to Record Decisions Related to Flexibility Measures in the Registry of Deeds:

- XIII. h. (vi) states that owners must record decisions that approve a long-term Hardship Compliance Plan with the Registry of Deeds and send proof of such a recording to the Environment Department within 30 days of the issuance of the decision. This does not apply to Deed-Restricted Residential Buildings or City Buildings.
 - **As deed-restricted buildings and city buildings are exempt from this requirement for long-term hardship compliance, A Better City recommends exempting all buildings . If not, we request clarification as to why some buildings are exempt and others are not and request consideration be given to the Review Board keeping track of the records rather than the Registry of Deeds.**

Enabling the Review Board to Grant Exemptions on Solar Requirements without a Hardship Compliance Plan:

- D.(i) (b) (i) states that Based on extenuating circumstances, Owners may request the Review Board to approve the use of electricity or associated generation credits without corresponding REC retirement from solar generating systems located in Eversource's Eastern Massachusetts territory that do not meet the requirements in Section X.d.i.a. A Better City has recently submitted comments on H. 4144, An Act Relative to Energy Affordability, Independence, and Innovation, which will require all behind-the-meter solar projects to apply for SMART. As RECs from the SMART program go to the utilities, they cannot be used by owners for REC retirement.
 - **A Better City recommends that if this Act is passed, all solar SMART projects, no matter where they are located in the Commonwealth, or whoever the utility is, be exempt from REC retirement.**

Developing an Alternative Reporting Platform to Energy Star Portfolio Manager:

- As there is a lot of uncertainty around federal support for ENERGY STAR Portfolio manager, throughout the regulations, there is an "equivalent reporting platform designated by the Environment Department" proposed as an alternative option to ENERGY STAR Portfolio Manager. Several Owners have put a lot of effort into property setup and data reporting in ENERGY STAR Portfolio Manager and want to make sure the data is transferrable to another equivalent platform without significant effort or expense. A Better City members, therefore, have requested that ENERGY STAR remain the main option, if possible, and that any additional platform be a collaborative decision with Owners and stakeholders, as this is the only way to avoid conflict and chaos.
 - **A Better City would like to request that ENERGY STAR Portfolio Manager remain the main option for reporting, and if an equivalent alternative reporting platform is required, that the selection of this reporting platform be in collaboration with Owners and other stakeholders who will be using the new platform for BERDO compliance.**



Moving the Date for Annual Electric Grid Emissions Factors:

- Section VIII.a. (ii)(b) moves the date for deciding each year's annual electric grid emissions factor from April 1 to April 15. This will shorten the time owners have to determine their annual reporting obligations by 2 weeks (from 6 weeks to 4 weeks).
 - **A Better City recommends that if the date for deciding the electric grid emissions factor is moved from April 1 to April 15, that the reporting deadline for owners be moved from May 15 to June 1.**

BERDO Proposed Policies and Procedures Updates

Updating Projected Electric Grid Emissions Factors Using a "Semi-Residual" Emissions Factor Approach:

- Section 4. B. suggests updating projected electric grid emissions factors using a "semi-residual" emissions factor approach that "takes out" the MA RPS Class I load to avoid double counting of renewable energy in MA that aligns with the methodology used to calculate BERDO's annual grid emissions factors. A Better City agrees with this change and that double counting is taking place in the current electric grid emissions factor projections. However, many buildings' capital, onsite, renewable energy, and other projects have been based on modelling using the old electric grid emissions factors that has taken a lot of staff and consulting. This modelling has helped Owners understand when their buildings will and will not meet compliance, and they have made decisions about projects accordingly. The new emissions factors may mean buildings will not meet compliance for as long as they were anticipating based on their use of old emissions factors. Unfortunately, Owners will now have a limited time to adjust to meet new compliance deadlines. Although projected electric grid emissions factors for 2025 and 2026 have not been updated as the policies and procedures state that "any new projections shall be published at least two years prior to use," members do not think this is enough time to work with new grid emissions factors, update modelling and resulting decisions they may need to make to meet compliance for their buildings earlier than anticipated.
 - **A Better City recommends that compliance with either old or new electric grid emissions factors be allowed through the 2030-2034 compliance cycle, as Owners have or are already doing capital planning for that cycle.**

Developing an Alternative Environmental Screening and Mapping Tool:

- As the current environmental justice screening and mapping tool required for Building Portfolio applications is created by the U.S. Environmental Protection Agency, Section 8.A suggests using an equivalent source of environmental justice screening and mapping tool because of uncertainty about the future of this tool under the current federal administration.
 - **As with the discussion on ENERGY STAR Portfolio Manager above, A Better City recommends the current tool remain the main environmental justice screening and mapping option, and if an equivalent tool is required, to avoid conflict and confusion, that the selection of this tool be in collaboration with Owners and other stakeholders who will be using the tool for BERDO compliance.**



Developing an Alternative Reporting Platform to Energy Star Portfolio Manager:

- Section 9.A(ii) proposes similar language about finding an equivalent reporting platform to ENERGY STAR Portfolio Manager as discussed in this section under proposed regulations, above.
 - **A Better City reiterates our request under proposed regulations that ENERGY STAR Portfolio Manager remain the main option for reporting, and if an equivalent alternative reporting platform is required, that the selection of this reporting platform be in collaboration with Owners and other stakeholders who will be using the new platform for BERDO compliance.**