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January 14, 2022

Submitted electronically via online feedback form.

City of Boston Environment Department
1 City Hall Square
RM 709
Boston, MA 02201-2031

RE: BERDO Phase 1 Regulations

The Conference of Boston Teaching Hospitals, on behalf of our 12 member hospitals, appreciates the opportunity to comment on the City of Boston's Phase 1 regulations for the implementation of the Boston Energy Reporting and Disclosure Ordinance (BERDO). We are grateful for the city's leadership on creating a more sustainable City and look forward to continuing to work with you on refining and implementing these important policies.

As you know, COBTH's member hospitals provide the highest quality medical care, in addition to training the next generation of physicians and other health providers, and conducting cutting-edge medical research. We believe that the mission of our teaching hospitals and the City's efforts to reduce carbon emissions are aligned. However, we must ensure that efforts to improve sustainability do not impede hospital services or activities, and any regulatory changes allow adequate time for safe implementation.

Many of COBTH's members are also members of the Longwood Medical Energy Collaborative (LMEC), and COBTH is supportive of the detailed comments being submitted by LMEC on these draft regulations. We also wanted to take this opportunity to underscore a few key points below.

Backup Generation

As was expressed during the Phase 1 listening session, reporting on backup generation presents the potential for an enormous administrative burden on hospitals. Hospitals are required for accreditation purposes to maintain and regularly test backup generators, which are used only while being tested or in the event of an emergency where the power is required to continue life-sustaining services. Additionally, fuel consumed by backup generators represents a small amount of overall emissions, and minimal potential to achieve emissions reductions.

We are grateful that in the final BERDO 2.0 ordinance, the Boston City Council chose to allow the option to exempt backup generation from the hospital emissions requirements in perpetuity, acknowledging that backup generation is mission-critical to hospital operations, as well as accreditation. To that end, we ask that you reconsider the proposed supplemental reporting requirements around backup generation for hospitals. Hospitals are willing to report information on

backup generation that is readily available and useful to the City's efforts, but the proposed data points related to backup generation would create significant new administrative requirements for hospitals, and it is unclear how this would assist the City meet its emissions goals. We refer you to LMEC's comment letter for proposed data points that may be more readily available.

Third-Party Verification

Section 1.08 of the proposed Phase 1 regulations state that professionals performing third-party data verification must not be on the staff of a building's owner or management company. We appreciate the City's commitment to transparency and accuracy and agree that third-party data verification is an important part of BERDO. However, we are concerned that the requirement that the verifier not be on the staff of a building's company is unnecessarily restrictive. Hospitals employ a variety of energy professionals, some independently certified, who are qualified to perform this verification. Allowing this would significantly reduce the administrative burden and cost associated with implementing BERDO. We strongly encourage a reconsideration of this restriction, and are open to discussing ways to ensure that third-party data verification is performed appropriately and effectively by in-house professionals.

Enforcement and Penalties

COBTH understands the importance of proper enforcement to ensure timely compliance with the updated BERDO ordinance. We are grateful that the ordinance provided for notices of violation prior to penalties being assessed, allowing well-intended building owners to correct possible violations in good faith and avoid financial penalties, especially as we enter a new regulatory landscape. We also appreciate the option to request a hearing of the Review Board, which provides building owners with needed due process. We hope to see additional regulations in the future outlining these processes, including for building owners to adequately demonstrate the correction of violations, as well as the process for Review Board hearings.

Thank you for your consideration of our comments. Please do not hesitate to be in touch with any questions or if we can provide additional information on these or other matters, and we look forward to continuing to engage in the BERDO implementation process.

Sincerely,



Patricia McMullin
Executive Director
Conference of Boston Teaching Hospitals

CC: Reverend Mariama White-Hammond, Chief of Environment, Energy, and Open Spaces, City of Boston

Dr. Alison Brizius, Commissioner, Environment Department, City of Boston

Ms. Hannah Payne, Carbon Neutrality Program Manager, City of Boston

The Honorable Ed Flynn, Boston City Council President