



11 Beacon Street, Suite 710  
Boston, MA 02108  
Phone: 617-723-6100  
Fax: 617-723-6111  
www.cobth.org

November 10, 2022

*Transmitted electronically via email to [apcc@boston.gov](mailto:apcc@boston.gov).*

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

## **RE: Phase II Proposed BERDO 2.0 Regulations**

The Conference of Boston Teaching Hospitals, on behalf of our 12 member hospitals, appreciates the opportunity to submit comments to the City on the proposed Phase II BERDO 2.0 regulations issued by the Boston Air Pollution Control Commission on October 19, 2022. 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, as health status and environmental factors are inextricably linked.

### District Energy

COBTH's 12 member hospitals think it is critical that district energy systems provide third-party verification of reported plant emissions data. District energy customers who have to comply with BERDO have limited visibility into plant emissions, and must rely on the plants to provide this data accurately. Third-party verification would ensure district energy customers can be confident in the reporting. To that end, we appreciate the City's proposal to require records documenting emissions factors be provided. We think this proposal would benefit from clarification of who these records will be available to. At a minimum, we believe records should be made available to both the City and the building owners receiving energy from the district systems.

We also appreciate the City's consideration of a fallback plan should verified emissions factors not be available from district energy systems on time, but recommend that the lower of the previous year's emissions rates or the emissions factors reported by ENERGY STAR Portfolio Manager be used. Such a proposal would appropriately mirror the City's proposal earlier in Section VII for emissions factors for electricity from the grid.

Some district energy systems use electricity generated by the ISO New England grid. When appropriate, we support district energy systems using electric grid emissions factors for that electricity so that the customers can receive the benefit for the "greening" of the electric grid.

### Power Purchase Agreements

COBTH appreciates the regulations proposed by the City regarding the use of Power Purchase Agreements as an additional compliance mechanism for BERDO 2.0. However, we would appreciate additional clarification

on what the City means about the geographic requirements for RPS Class I Renewable Energy Credits not being applicable, and how BERDO buildings can use PPAs not located in Massachusetts.

Additionally, we interpret subclause (b) of Section IX.C to exclude ERCOT, but we believe the City's intention was to allow any PPAs that are conducted in the US and Canada. We would appreciate clarification about whether PPAs connected to ERCOT would satisfy the requirement.

Further, the regulations state that electricity from PPAs may be used for compliance for the original term of the PPA. PPA contracts regularly include explicit and finite options to extend that are contemplated as part of the "original term" of the agreement. We believe these extensions, if included in the original term, should count toward BERDO compliance, and would appreciate clarification from the City on this matter.

#### Review Board

Finally, we appreciate the City's efforts toward establishing the BERDO Review Board. This body will be critical to overseeing implementation and compliance, and we look forward to working with the Board to achieve the goals set out in BERDO 2.0. To that end, we want to take this opportunity to underscore the importance of having appropriate sector representation on the Review Board, including from the hospital sector. Hospitals are required to maintain consistent, 24/7 operations, and while COBTH's member hospitals are committed to compliance with BERDO 2.0, we do have unique challenges to consider that we hope will be represented on the Review Board. While the ordinance explicitly requires a representative from "public health and hospitals," we want to note that these are two different areas of expertise. We hope the City will work with us and our other hospital sector partners to ensure adequate representation on the Review Board.

We look forward to continuing to engage with the Environment Department and the APCC as the regulatory process advances, and look forward to the opportunity to provide additional feedback on forthcoming regulations, guidance documents, and other items currently under development. Please do not hesitate to be in touch if there is any additional information we can provide.

Sincerely,



Patricia McMullin  
Executive Director  
Conference of Boston Teaching Hospitals