

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
November 6, 2023 at 4:30 pm
[View recording here](#)

Board Members in Attendance: Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Lee Matsueda, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning

Board Members not in Attendance: Councilor Kendra Lara

Staff Present: Diana Vasquez, Hannah Payne, Dima Moujahed

Others: Approximately 11 members of the public attended this meeting.

Motion to Nominate Acting Chair

4:35 pm: Environment staff, D. Vasquez, led a vote for Acting Chair. Board Member G. Latimore made a motion to nominate Board Member L. Matsueda to serve as Acting Chair. Board Member L. Jacobs seconded the motion. All Board Members in attendance (8) were in favor. The motion carried at 4:36 pm.

Call Meeting to Order

4:36 pm: A meeting of the Building Emissions Reduction and Disclosure Ordinance, hereafter referred to as (BERDO), within the Air Pollution Control Commission, was called to order on November 6, 2023 at 4:36 pm. This meeting was held virtually.

Roll Call

4:38 pm: The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Rashida Boyd, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley, Kai Palmer-Dunning.

The following Environment Department staff were in attendance: Diana Vasquez, Hannah Payne, Dima Moujahed

Others: Approximately 11 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:40 pm: The Review Board voted on approving [October 23 Meeting Minutes](#). Board Member S. Ellis made a motion to approve the meeting minutes with an update noting Board Member's K. Palmer-Dunning's abstention during the meeting minutes vote on October 23. Board Member L. Jacobs seconded the motion. Six Board Members in

attendance (6) voted in favor and two (2) Board Members abstained. The motion carried at 4:41 pm.

Second Agenda Item: Update and Discussion on 2023 Reported Data Disclosure

4:41 pm: H. Payne presented on the [City of Boston's Disclosure of 2022 Emissions data](#). This data consists of Emissions data from calendar year 2022 that was reported on in 2023. D. Moujahed summarized the process the Environment Department used to estimate projected Emissions, reviewed how projections were calculated for 2025 BERDO compliance, and shared planned next steps for reaching out to Building Owners.

4:50 pm: Board Q&A Session

- S. Ellis offered to help with making the online platform for the data disclosure more user friendly, including allowing for filtering of data, and asked D. Moujahed to clarify the renewable energy piece of her presentation.
 - D. Moujahed clarified that the projections did not account for any Renewable Energy Certificates (RECs) a Building Owner may have purchased or enrollment into Boston Community Choice Electricity an account holder may have done.
- S. Ellis asked a follow up question about whether the data was reflecting 'green power' that a Building Owner may have input into Portfolio Manager.
 - H. Payne responded that the data analysis was a high-level, 'back of the envelope' analysis and could have missed renewable energy utilized by a Building Owner. H. Payne also noted that renewable energy is currently being reported into Portfolio Manager inconsistently. The BERDO team is working to improve the process to make it more accurate.
- S. Ellis asked when would reporting on RECs become required?
 - H. Payne replied that updates on reporting are done through administrative guidance and that the BERDO team is looking to update reporting processes this year. Feedback is welcomed on the reporting process to help ensure it's achieving accurate data.
- G. Latimore sought clarification on when BERDO Emissions Limits take effect.
 - H. Payne replied that there are two years in which Emissions Limits kick in. For buildings that are 35,000 sq ft or larger and residential units that have 35 or more units, they have an Emissions Limit starting in 2025. For

buildings that are 20,000 - 34,999 sq ft and residential buildings that have 15 - 34 units, their Emissions Limit start in 2030.

- L. Matsueda asked what the BERDO staff needed from the Review Board in terms of support in reaching Building Owners.
 - H. Payne thanked Acting Chair L. Matsueda for his question and explained categories of buildings that have not yet been reported. H. Payne explained that some city, state, and federal BERDO IDs are facing data challenges or have yet reported, and the team is working diligently to fix those challenges. The BERDO team is also sorting through return mail to identify which Building Owners have not received mailing from the BERDO team. She shared that she would be happy to come back and report on their progress.
- L. Matsueda inquired about who on the BERDO team is responsible for, or is part of, the outreach efforts to Building Owners.
 - D. Moujahed shared that she will be leading the initial outreach to Building Owners, and that other members of the BERDO team and the Community Choice Electricity team will also help out in reaching out to different individuals.
 - H. Payne added that the team will try to focus their efforts on connecting with Building Owners who likely don't have in-house capacity for long-term energy planning.
- J. Nelson asked a clarifying question about how many buildings are projected to not meet the 2025 Emissions Limit.
 - H. Payne clarified that of the 2,600 buildings that have reported, 1,400 were 35,000 sq ft or larger or were residential buildings with 35 units or more. Therefore they have an Emissions Limit starting in 2025.
- J. Nelson posited that the estimated rate of noncompliance was 400 divided by 1,400.
 - H. Payne explained that the BERDO team used 310 as the estimation because 90 of the reported buildings were reported in Portfolio Manager in a way that did not have an associated Emissions Standard.
- J. Nelson posited that approximately 20% noncompliance is the estimated rate for noncompliance in 2025. He asked how many Building Owners the team believes have not reported.

- H. Payne shared that she believes it's about 50% of buildings that have not been reported on. She added that Boston Housing Authority, state and federal buildings, and likely smaller buildings subject to BERDO will be a big portion of Owners who have not yet reported.
- J. Nelson asked when the BERDO scorecards will be sent.
 - H. Payne replied before the end of the year, but the team is aiming to send them out sooner than that.
- M. O'Malley asked clarifying questions regarding how Boston Community Choice Electricity is accounted for in the estimated projected Emissions and enrollment procedures.
 - D. Moujahed confirmed that the estimates do not include renewable energy due to Boston Community Choice Electricity enrollment.
 - H. Payne clarified that any Boston resident can enroll into the program at any point, opt-out of the program at any point, and if someone moves, they can re-enroll at their new address.
- M. O'Malley inquired whether City Hall was included as one of the buildings estimated to not meet Emissions Limits in 2025.
 - D. Moujahed confirmed that it was.
- K. Palmer-Dunning asked what metric the BERDO scorecard will use.
 - D. Moujahed replied that it will project Emissions in kilograms of carbon dioxide.
 - H. Payne elaborated that the Scorecard's main focus will be on displaying BERDO emissions limits over time for comparison to a Building Owner's total Emissions.
- H. Payne highlighted the download option in the 2023 Reported Data Disclosure, which may help with user experience, including filtering data.

5:15 pm: Acting Chair L. Matsueda opened a public comment period.

5:17 pm: Acting Chair L. Matsueda closed the public comment period.

- S. Ellis asked how the City's data cleaning processes. Particularly he was curious how the City deals with the 'other other' category within Portfolio Manager.

- H. Payne shared that she's still thinking through the best approach for some of the data cleaning. She noted that many of the buildings reported under 'other other' did fit in another category, so she believed due diligence work from the BERDO team and outreach to Building Owners who have mixed-use buildings will likely be the next steps. She also noted that she believed improvements would also need to be made to the reporting process instructions and verification process.
- L. Matsueda asked about outreach and communication plans to share data and other key takeaways regarding BERDO data disclosure.
 - H. Payne shared that currently the team didn't have an outreach plan for the BERDO data disclosure outside of sharing via the BERDO newsletter and on the BERDO website. She added that once an updated compliance map is live, there will also be a push to share that, and that she was open to recommendations.
- L. Matsueda remarked it may be worth bringing in someone from the communications team to hear the communications plan regarding broader BERDO outreach.
- K. Palmer-Dunning raised an idea to produce an Emissions placard, or something similar, that would allow a Building Owner to display their Emissions and BERDO compliance.
- G. Latimore inquired about any plans or thoughts about reaching BIPOC and Owners of smaller buildings that are subject to BERDO, particularly given equity implications.
 - H. Payne replied that in the BERDO team's first pass, building owners who were not on track to meet 2025 Emissions Limits were bigger players, such as universities, hospitals, museums, etc. At least for 2025, smaller building owners were not likely to be out of compliance. She also shared that the team is going to target smaller building owners to assist with their data reporting initially. She also mentioned the Equitable Emissions Investment Fund as a pathway that will be available and publicized to smaller owners.

Third Agenda Item: Administrative Updates

5:30 pm: D. Vasquez reminded everyone that comment periods on proposed policies on Hardship Compliance Plans and preliminary proposals on Fines & Enforcement were open and would close on Thursday, November 9. The BERDO team will then present revisions

based on that feedback to the Air Pollution Control Commission on November 15. Additionally she presented an update that applications for Building Portfolios and Individual Compliance Schedules would migrate to an online platform and that 2024 Review Board draft meeting dates have been added to the folders shared by the Board Members. Lastly, she reminded board members that the following meeting is scheduled for November 20, 2023.

Meeting Adjournment

5:33 pm: Board Member M. O'Malley made a motion to adjourn the meeting. Board Member G. Latimore seconded. All (8) were in favor and the motion carried at 5:33 pm.