

City of Boston BERDO Review Board
Public Meeting Minutes
Zoom Virtual Meeting
February 12, 2024 at 4:30 pm
[View recording here](#)

Board Members in Attendance: Stephen Ellis, Lovette Jacobs, Gail Latimore, Lee Matsueda, Jack Nelson, Matt O'Malley

Board Members not in Attendance: Rashida Boyd

Staff Present: Diana Vasquez, Dima Moujahed, Darius Zgripcea Bailey, Claudia Diezmartinez, Hannah Payne

Others: Approximately 8 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 O'Malley 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 (6) were in favor. The motion carried at 4:35 pm.

Call Meeting to Order

4:35 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 February 12 at 4:35 pm. This meeting was held virtually.

Roll Call

4:37 pm: The following BERDO Review Board members were in attendance: Acting Chair Lee Matsueda, Stephen Ellis, Lovette Jacobs, Gail Latimore, Jack Nelson, Matt O'Malley.

The following Environment Department staff were in attendance: Diana Vasquez, Dima Moujahed, Darius Zgripcea Bailey, Claudia Diezmartinez, Hannah Payne

Others: Approximately 8 members of the public attended this meeting.

First Agenda Item: Approval of Meeting Minutes

4:39 pm: The Review Board voted on approving [January 8 Meeting Minutes](#). Board Member L. Jacobs made a motion to approve the meeting minutes. Board Member M. O'Malley seconded the motion. All Board Members in attendance (6) voted in favor. The

motion carried at 4:40 pm.

Second Agenda Item: Overview of the [BERDO Emissions Calculator](#) and accompanying [guidance document](#)

4:41 pm: D. Moujahed demonstrated the BERDO emissions calculator.

4:47 pm: Board Q&A Session

- S. Ellis sought clarification about what the calculator takes into account when projecting emissions. He wanted to confirm that the calculator projects emissions for an individual building, not building portfolios or other flexibility measures.
 - D. Moujahed confirmed his understanding was correct - the calculator only projects emissions for a single building and does not take flexibility measures into account.
- S. Ellis asked whether the data was derived from ENERGY STAR Portfolio Manager.
 - D. Moujahed confirmed the data was based on the latest reported energy data in ENERGY STAR Portfolio Manager.
- S. Ellis asked if renewable energy reported in ENERGY STAR was reflected in the calculator. If not, users would have to manually enter their renewable energy into the calculator.
 - D. Moujahed shared that renewable energy was not being pulled into the calculator, but that the team is working on improving it. And agreed that a user would need to manually input renewable energy data so that it is reflected in the projected emissions.
- G. Latimore sought clarification about the intended use of the calculator. Is it primarily a planning tool or will the City use it to determine compliance?
 - D. Moujahed shared that it is designed to be a planning and visualization tool for building owners.
 - H. Payne elaborated that the calculator is primarily a planning tool because even though the City will utilize the same underlying math for determining compliance, the calculator does not have 2025 reported data and does not take into account renewable energy or flexibility measures.
- L. Matsueda asked if a property does not have results populate in the emissions calculator, does that mean that they have not reported to date?

- D. Moujahed shared that could be the case or it could be possible that a building owner has not claimed their property yet.
- L. Matsueda asked how one could find out more information about a building that does not populate results.
 - H. Payne shared that the best publicly available information regarding compliance would be the disclosure the city released [on Analyze Boston](#). She noted that data was several months out of date and the team is working on creating a map that would update in realtime. The team has run into some challenges but is hopeful to resolve them.
- J. Nelson sought confirmation that the emissions calculator is based on the latest accepted reporting of energy data.
 - D. Moujahed confirmed this was the case.
- J. Nelson asked what emissions factors were used to project future electricity use.
 - D. Moujahed shared an [accompanying calculator guidance doc](#) that details emission factors for different fuel types, including projected emissions factors for electricity [through the year 2050](#).
 - C. Diezmartinez added that the projected emission factors for electricity through the year 2050 was used in the regulations development and will be utilized as a 'backstop'. The City will calculate an annual emissions factor for electricity, but if that emission factor comes out to be larger than the projected one, the City will utilize the projected emissions factor.
- J. Nelson asks how low the emissions factor gets in 2050. Does the projected emissions factor get to zero in 2050?
 - H. Payne clarified it does not get all the way to zero, but if the annual City-calculated emission factor for the grid is lower than the [estimated emission factor listed in policies](#), the city-calculated emission factor will be used.
 - C. Diezmartinez shared a link to the policies in the chat: https://www.boston.gov/sites/default/files/file/2023/12/12.20.23%20Full%20Policies%20-%20Clean%20Version_1.pdf
- M. O'Malley posited whether it may be worth demonstrating to users of the emissions calculator how their emissions may be mitigating by opting into Green 100 from Boston Community Choice Electricity (BCCE).

- D. Moujahed shared her screen to show a text box that populates a list of options that lists BCCE first.
- L. Matsueda echoed M. O'Malley's comments about making options building owners have for compliance as accessible as possible for building owners.
- S. Ellis asked if the emissions calculator took into account someone's compliance start year. For example, does the calculator show 2030 projected emissions if a building owner has a smaller BERDO building?
 - D. Moujahed stated this was a good flag. Currently the calculator does not.
 - H. Payne added that this is a feature the team is in discussion with the developers about.
- L. Matsueda wanted to confirm that both the emissions calculator and guidance document are live and publicly available.
 - D. Moujahed confirmed that they were.
- L. Matseuda asked if the BERDO team can tell if people are utilizing the calculator.
 - D. Moujahed shared that the team could not unless users explicitly tell the team that they are using it.
- M. O'Malley echoed S. Ellis' comment about notifying owners with smaller BERDO buildings that their emissions compliance would start in 2030, not in 2025.
 - H. Payne stated that she will follow up with the software developers on this feature.

Third Agenda Item: Overview of the [Environmental Justice Map Tool](#) and accompanying [guidance document](#)

5:05 pm: C. Diezmartinez and D. Zgripcea Bailey previewed the Environmental Justice Map Tool and the accompanying 'How-To Guidance Document.'

5:25 pm: Board Q&A Session

- L. Matsueda asked what the blank census tracts indicated?
 - D. Zgripcea Bailey shared that the blank areas are due to either the CDC or EPA not having a large enough sample into those census tracts.

- L. Matsueda asked if other environmental justice concerns were considered for layers, such as floor risk.
 - C. Diezmartinez shared that another layer that was considered was energy burden, but the team could not find a uniform and reliable data set to include in this tool. She also shared that Climate Ready Boston does have a flood risk map that is publicly available.
- L. Matsueda asked how often the datasets get updated?
 - D. Zgripcea shared that population data is based on US Census data, which gets updated every ten years.
- G. Latimore asked whether other sources, such as the Boston Public Health Commission, were considered given that they have data on asthma.
 - C. Diezmartinez agreed that the Boston Public Health Commission has asthma and other public health related data, but federal data is reliably updated and therefore thought as an appropriate data source.
- S. Ellis sought a reminder of how the Review Board should be using this data when a building owner submits it.
 - C. Diezmartinez shared that in terms of a Building Portfolio application, the applicant will be asked to describe their plans to distribute the benefits associated with BERDO compliance within the context of their capital planning. The Review Board would use this information to assess whether the stated emissions reduction efforts are equitably distributed across buildings, within reason.
- S. Ellis recommended adding a column that includes a data year for each of the layers.

Fourth Agenda Item: Discussion on Equitable Emissions Investment Fund

5:36 pm: D. Vasquez reviewed the purpose of the Equitable Emission Investment Fund and the proposed project evaluation form.

5:43 pm: Board Q&A Session

- S. Ellis asked if the applicant will be asked what the amount they are requesting is.
 - D. Vasquez replied that the amount requested will be included in the application form, but was not originally reflected in the evaluation form.

- G. Latimore echoed S. Ellis' question regarding an applicant's budget requested or amount of work related for a proposed project. She also asked how the team will evaluate execution of plans proposed by applicants.
 - D. Vasquez shared that the application form can ask for requested budget, scope of work, and other related information.
 - C. Diezmartinez shared regulation language that outlined questions that will be included in the application form (page 49):
https://www.boston.gov/sites/default/files/file/2023/12/12.20.23%20Full%20Regulations%20-%20Clean%20Version_1.pdf
 - C. Diezmartinez added that the regulations state that the Review Board can consider different evaluation criteria regarding emission reductions, for example the Review Board could evaluate proposed projects based on emissions per dollar spent. The Review Board has discretion to evaluate on a more granular scale if they chose to do so. She also added that the regulations mention that the Review Board can add conditions that require regular status updates or reporting to see if the recipients are carrying out their proposed benefits.
- G. Latimore shared she thought that would be prudent, and potentially include a section of reporting for recipients from the Fund.
 - C. Diezmartinez added another possibility is that the Review Board could grant the money in phases. Regular reporting could be a condition of receiving the remaining phases of funds.
- L. Matsueda added that another criteria that comes to mind for him is the level of engagement with stakeholders an applicant has engaged in during the development of their project. He would like to incorporate who supports the application in the application process somehow.
 - C. Diezmartinez added that something the team was considering was having a space where an applicant could attach letters of support from tenants and other organizations.
- J. Nelson mentioned that asking for specifications regarding the project would be worth asking as well. He also sought clarification on whether an applicant will request a budget amount or would the Review Board have discretion over how much to grant.

- C. Diezmartinez replied that the application would require applicants to include their total amount requested for funding for the project and a description of how that money will be used.
- J. Nelson adds that an evaluation method that could be used could be looking at the amount of emission reductions expected per dollar amount requested or dollar value per pound of emissions reduced.
- M. O'Malley echoed L. Matsueda's point of including a question in the application regarding levels of support for a proposed project as well as ascertaining whether an applicant is researching other sources of funding.
- S. Ellis sought clarification on whether an applicant would be indicating which of the evaluation criteria they believe their proposed project would meet?
 - C. Diezmartinez responded that was the intention in the regulations, but when the application process is designed, the team can include a question that explicitly asks which of the listed criteria the applicant believes their proposed project would meet.
- S. Ellis recommended adding a column to the evaluation form that states "need more information" or "unable to determine" to allow a Review Board member to seek more clarification.
- L. Matsueda asked if there were particular requirements of the expenditure of the \$3.5 million that is currently in the Fund.
 - H. Payne replied that there are no current requirements beyond the commitment to open a cycle annually. The team is working to clarify if there are any specific stipulations associated with this first tranche of funding because it came from operating funds versus Alternative Compliance Payments.

6:02 pm: Acting Chair L. Matsueda opened a public comment period.

6:03 pm: Acting Chair L. Matsueda closed the public comment period.

6:07 pm: M. O'Malley requested someone from council for the City to do a brief presentation regarding open meeting law and public records. He cited a question regarding if all materials submitted in the application for the Fund is considered public record.

6:13 pm: The Review Board discussed and agreed to hold the Fund evaluation form for public input until a proposed project application process is also drafted so they can be released together.

Fifth Agenda Item: Administrative Updates

6:14 pm: D. Vasquez reviewed key BERDO deadlines for building owners, events the BERDO team has completed and has upcoming, and reviewed the anticipated process for onboarding Councilor Coletta and filling in the vacant seat that is reserved for a community-based organization nominee.

The next meeting is tentatively scheduled for February 26.

- G. Latimore asked if there have been any nominations received so far regarding the open seat?
 - D. Vasquez responded that there were no submissions at the moment.

Meeting Adjournment

6:21 pm: Board Member G. Latimore made a motion to adjourn the meeting. Board Member J. Nelson seconded. All Board Members in attendance (6) were in favor and the motion carried at 6:21 pm.