



September 30, 2024

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Tori Kim, Director
Massachusetts Environmental Policy Act Office
100 Cambridge Street, #900
Boston, MA 02114

RE: A Better City's Comments on the Resiliency Proposal, MEPA Building Energy Efficiency, and the GHG Proposal

Dear Director Kim:

On behalf of A Better City's (ABC's) 130 member businesses and institutions, thank you for the opportunity to comment on the Straw Proposals to update the Massachusetts Environmental Policy Act (MEPA) Interim Protocol on Climate Change Adaptation and Resiliency (Resiliency Proposal), MEPA Project Review for Building Energy Efficiency (Building Energy Efficiency), and the Greenhouse Gas Emissions Policy (GHG Proposal). As many of our members are leaders in the field of resilient and low-carbon buildings, as well as compliance with a range of building policies at the municipal- and state-levels, we appreciate your team's efforts to integrate both resilience and emissions reductions considerations within MEPA. Our members have stressed that requirements for MEPA project review should be reasonable and attainable without undue burden on projects, while also ensuring the best-available science and data are used as the foundation of such requirements.

A Better City members and staff are committed to working with your team to refine the draft regulatory language under development this fall, and offer the following recommendations: 1) Related to the Resiliency Proposal: ensuring alignment with the best-available science for flood zones in Massachusetts; clarifying the use of project narratives to minimize delays in climate-resilient projects; clarifying best practices and ensuring that future revised Tool output changes be pursued in a formal public comment period; and encouraging shade for heat relief and resilience co-benefits. 2) Related to the Building Energy Efficiency Proposal: clarifying best practices; avoiding the development of a fifth energy code; and avoiding unintentional increases in GHG emissions. 3) Related to the GHG Proposal: ensuring best practices for effective, transparent, and equitable carbon accounting.

Our comments are informed by member and staff feedback as well as our ongoing participation in the Global Warming Solutions Act Implementation Advisory Committee, the ResilientCoasts Initiative, and the ResilientMass Finance and Investment Strategy



Steering Committee, and the Energy Transformation Advisory Board. Our members and staff welcome meetings with you, either as a focus group or in individual 1:1 meetings, to help inform the development of draft regulatory language.

Thank you for your ongoing leadership. Please reach out to Isabella Gambill (igambill@abettercity.org) with any comments or questions.

Sincerely,

A handwritten signature in blue ink that reads 'Kate Dineen'.

Kate Dineen
President & CEO
A Better City

Enclosures: 1

Cc: Chief Melissa Hoffer, Secretary Rebecca Tepper, Assistant Secretary Mia Mansfield



Appendix A: A Better City's Recommendations for the Resiliency Proposal, MEPA Building Energy Efficiency, and the GHG Proposal

Resiliency Proposal

Slide 13:

- **Ensuring Alignment with the Best-Available Science for Flood Zones in Massachusetts:** A Better City is concerned that the Environmental Notification Form (ENF) revisions reference the identification of FEMA flood zones, which rely on FEMA flood maps based on historical flooding, and not the best-available science and maps for future climate scenarios. *A Better City recommends clarifying in the draft regulatory language that the flood maps used to project coastal and inland flooding for MEPA reflect the best-available science for future climate conditions, as is included in ResilientMass, as well as in municipal-level resilience regulations (like the Coastal Flood Resilience Overlay District in Boston).*
- **Clarifying the Use of Project Narratives to Minimize Delays in Climate-Resilient Projects:** A Better City members have expressed concern with any additional MEPA regulations that may unintentionally exacerbate existing permitting delays for needed climate resilient projects and have expressed a need for greater urgency on the streamlining and acceleration of permitting, particularly for projects that have climate resilient benefits that extend beyond the property boundaries. *A Better City recommends clarifying the length and intended use of project narratives and ensuring that such narratives are as concise and consistent as possible. In addition to clarifying how project narratives may influence the time and depth of work required for ENF filings, it would be helpful to provide narrative templates and examples for projects to follow.*

Slide 14:

- **Clarifying Best Practices & Ensuring that Future Revised Tool Output Changes by the Secretary be Pursued in a Formal Public Comment Period:** A Better City appreciates the effort to align MEPA protocols with best practices for assessing criticality and useful life. However, since "criticality" is not defined clearly in the powerpoint or straw proposal, and it is not a term typically used relevant to regulatory processes for permitting, it will be important to provide best practice guidelines for assessing criticality and useful life as it relates to MEPA protocols. Additionally, A Better City is concerned with the proposal that the Secretary may require revised Tool output at her discretion, if such outputs will be used for MEPA regulations and compliance enforcement. *A Better City recommends defining how criticality will be applied within MEPA protocols and clarifying what best practices will be required for compliance. A Better City recommends that for any Tool output changes considered by the Secretary, that additional opportunities for public comment be provided, in addition to consultation with the Massachusetts Climate Science Advisory Panel.*

Slide 17:

- **Encouraging Shade for Compliance with Heat Relief & Resilience Co-Benefits:** A Better City appreciates the inclusion of extreme heat as a climate risk to be analyzed in the Environmental Impact Report (EIR), and that the MEPA Office will be providing guidance on heat mitigation. As part of the anticipated best practice guidance, it would be helpful for the MEPA Office to include heat-resilient considerations to incorporate into building and landscape design long-term, in addition to temporary and semi-permanent structures like shade, misters, and resource allocation during heat emergencies. Additionally, it would be helpful for the MEPA Office to consult with experts in extreme heat resilience, as well as municipal government urban forestry divisions, to ensure



consistency and alignment of heat-resilient best practices. *A Better City recommends including both permanent heat-resilient design considerations as well as temporary or semi-permanent mitigation for extreme heat in the anticipated best practice guidance for heat mitigation from the MEPA Office. In cases where heat-resilient design may be cost-prohibitive or logistically challenging, A Better City recommends considering such temporary and deployable heat interventions as viable alternatives, when needed.*

MEPA Building Energy Efficiency

Slide 5:

- **Clarifying Best Practices:** A Better City appreciates and strongly supports the proposed update to provide “opt-out” opportunities if projects commit to best practices, to simplify and accelerate permitting when possible. It would be helpful for the MEPA Office to publicize such best practices as soon as practicable, and prior to the finalization of regulatory language. *A Better City recommends the MEPA Office publicize best practice regulatory language for the MEPA GHG Proposal, prior to the finalization of regulatory language.*

Slide 6:

- **Avoiding the Development of a Fifth Energy Code:** Currently, new construction projects must navigate between the Base Energy Code, the Stretch Energy Code, the Specialized Opt-In Stretch Energy Code, and the changes to general or zoning ordinances or by-laws within municipalities that are part of the Municipal Fossil Fuel Free Building Demonstration Program. These four existing regulatory schemes and policies governing energy in development are already creating confusion amongst developers, confirmed by a recent request from DOER to understand the impact of the new and updated energy codes and subsequent draft amendments put forward to address the concerns related to regulated communities. Now is not the time to add a fifth set of policies to this confusion. *A Better City strongly recommends that the MEPA Best Practices identified on Slide 6 are amended so that all categories—thermal limits; envelope, air filtration, and energy recovery; electrification; passive house and reduced HERS, PV and EV—are the same as the existing 2023 Stretch and Specialized Opt-In Stretch Energy Codes.*

Slide 8:

- **Avoiding Unintentional Increases in GHG Emissions by Revising Modeling Methodology:** A Better City understands the intention behind revising the modeling methodology to consider reductions in overall grid emissions by 2050. However, simply applying a grid emissions rate as of 2050 (which according to the Clean Energy and Climate Plan is projected to be a 93% gross emissions reduction from a 1990 baseline) will not be an accurate reflection of the overall grid emissions reductions. For example, per the City of Boston Building Emissions Reduction and Disclosure Ordinance approved policies from December 2023, [Appendix A](#) (page 20) “Projected Grid Emissions Factors,” projects 2035 as the year when the ISO New England Grid electricity emissions are projected to be as clean as natural gas emissions. In other words, until 2035, using natural gas produces fewer GHG emissions than using electricity. Using a grid emissions rate as of 2050 is, therefore, not a true representation of the emissions benefits of energy efficiency strategies. *A Better City recommends striking the recommended technical Update #3 as currently written, and suggests EEA consider other modeling methodology revisions that more accurately reflect the actual benefit of building electrification over time.*



GHG Proposal

Slide 10:

- **Ensuring Best Practices for Effective, Transparent, and Equitable Carbon Accounting:** A Better City appreciates the MEPA Office’s intent to establish best practice guidance and guidelines for carbon accounting. *A Better City recommends consulting the best practice guidance from the [2021 Carbon Offsets report](#), which recommends a PAVER+ framework for carbon removals accounting, ensuring that carbon removal projects and associated accounting are Permanent, Additional, Verifiable, Enforceable, and Rreal, with the “plus” of additional co-benefits. Additionally, A Better City recommends consulting the MEPA Advisory Committee and Climate Scientist Advisory Panel prior to the development of regulatory language relevant to carbon accounting methodologies.*