



February 13, 2026

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Tepper,

On behalf of the Massachusetts Fiscal Alliance and the taxpayers we represent, we write to request immediate transparency regarding the Executive Office of Energy and Environmental Affairs' spending on outside legal counsel in connection with litigation surrounding agency non-compliance with the Commonwealth's own climate mandates.

As publicly reported on November 20, 2025, no Massachusetts agency had complied with a 2017 law requiring regulators to meet the same climate obligations imposed on residents and businesses.¹ That revelation, which included non-compliance by the Department of Environmental Protection itself, raised serious concerns about internal enforcement, executive oversight, and fiscal stewardship.

This report followed the revelation thanks to litigation under the Public Records Law which compelled the release of documents reflecting this non-compliance. Court proceedings held on November 13, 2025 in a Public Records Law case brought by ExxonMobil against DEP further highlighted the issue.² Rather than simply acknowledge the failure and provide transparency, DEP retained outside counsel, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., to defend the agency's position.

This raises a straightforward but urgent question: how much taxpayer money is being spent on legal bills to defend and shield the public from learning that state agencies are not meeting their own climate mandates?

¹ Commonwealth Beacon, "No Massachusetts agency complied with 2017 climate law," November 20, 2025, available at: <https://commonwealthbeacon.org/environment/massachusetts-agencies-never-followed-a-2017-rule-to-cut-emissions-from-state-vehicles-court-documents-show/>.

² Filings from ExxonMobil v. Massachusetts Department of Environmental Protection, Public Records Law litigation, available at: <https://govoversight.org/wp-content/uploads/2026/02/2025-11-12-ZOM-Supplemental-PRL-filing-affi-w-exhibits.pdf> & <https://govoversight.org/wp-content/uploads/2026/02/2025-11-12-XOM-PRL-Surreply.pdf>

Public spending records available through the Comptroller's CTHRU portal³ show that since April 1, 2025, the Executive Office of Energy and Environmental Affairs has paid Mintz Levin \$534,691. Of that total, \$417,620 was drawn from funds appropriated for "Climate Adaptation and Preparedness," and \$117,071.89 from funds provided for "Environmental Affairs Administration."

Taxpayers reasonably expect "Climate Adaptation and Preparedness" funds to support environmental programs, not to finance outside legal counsel in response to litigation exposing agency non-compliance. If these funds are being used to defend the government's failure to meet its own climate mandates, that deserves a clear public explanation.

CTHRU provides summary payment data but does not supply underlying records confirming payment, such as wire confirmations, cancelled checks, receipts, or documentation identifying the specific legal matters associated with those disbursements. When Government Accountability & Oversight requested such records from DEP, the agency responded on January 28, 2026 that it had "no records that are responsive." A similar request to the Office of the Comptroller yielded the same response.

It strains credulity to suggest that over half a million dollars in payments to outside counsel were made without any payment records in the custody of either DEP, your office, or the Comptroller. At a minimum, this response suggests either a serious breakdown in recordkeeping or an unwillingness to disclose records that are plainly public.

This situation presents a troubling contradiction. The Commonwealth demands strict compliance from residents, small businesses, and municipalities under its climate agenda. Yet when state agencies themselves fail to comply with their own climate mandates⁴, taxpayer funds appear to be used to defend and limit scrutiny of that failure.

Taxpayers deserve transparency, not cover-up tactics.

Accordingly, we respectfully request that your office:

- Disclose the total amount spent to date on outside legal counsel related to that public records case.
- Identify all funding sources, appropriations and specific line items used to pay those legal bills.
- Release all payment records and documentation reflecting the use of taxpayer funds.

³ https://cthruspending.mass.gov/#!/year/All%20Years/explore/0-/vendor/MINTZ,+LEVIN,+COHN,+FERRIS,+GLOVSKY/1-/cabinet_secretariat

⁴ We note also, "Mass. climate chief missed her own deadline to calculate the cost of state's climate commitments," Feb. 9, 2026, <https://commonwealthbeacon.org/environment/mass-climate-chief-missed-her-own-deadline-to-calculate-the-cost-of-states-climate-commitments/>.

- Clarify the total anticipated future costs associated with this records litigation and related proceedings.

Government must hold itself to the same standard it imposes on the public. If agencies cannot comply with their own climate mandates, the appropriate response is accountability and reform, not the expenditure of additional taxpayer money to shield that failure from public view.

We urge your office to provide a full accounting without delay.

Sincerely,

A handwritten signature in cursive script, reading "Paul D. Craney".

Paul D. Craney

Executive Director

Massachusetts Fiscal Alliance