

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ENVIRONMENTAL DEFENSE FUND, INC.;
UNION OF CONCERNED SCIENTISTS,

Plaintiffs,

v.

CHRISTOPHER WRIGHT, in his
official capacity as Secretary of
Energy; UNITED STATES DEPARTMENT
OF ENERGY; LEE ZELDIN in his
official capacity as
Administrator of the U.S.
Environmental Protection Agency;
CLIMATE WORKING GROUP; and UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

CIVIL ACTION NO.
25-12249-WGY

YOUNG, D.J.

January 30, 2026

JUDGMENT

Environmental Defense Fund, Inc. and the Union of Concerned Scientists ("the Plaintiffs"), filed a Motion for Preliminary Injunction and a Stay, or, in the Alternative, For Summary Judgment or Consolidation Under Rule 65(a)(2). Pls.' Mot. Prelim. Inj., ECF No. 15. The Plaintiffs argued that the Climate Working Group met the statutory definition of an advisory committee under the Federal Advisory Committee Act ("FACA") and failed to comply with FACA's various procedural,

open records, and fair balance requirements. Mem. Supp. Pls.' Mot. Prelim. Inj. 8-15, ECF No. 16; Pub. Law 92-463, 86 Stat. 770 (1972). The Plaintiffs asked that in the alternative of a preliminary injunction, the Court enter summary judgement. Id. at 18. The Defendants opposed the Motion, arguing that the Climate Working Group was not subject to the requirements of FACA because it was "assembled to exchange facts or information with a Federal official." Defs.' Mem. Opp'n 1, 3 n.1, ECF No. 43; 41 C.F.R. 102-3.40(e). The Court denied the Plaintiffs' motion for a preliminary injunction, but granted summary judgement on the issue of whether the Climate Working Group was exempt from FACA as a group "assembled to exchange facts or information with federal officials." Env't Def. Fund, Inc. v. Wright, 800 F. Supp. 3d 284, 288 (D. Mass. 2025), ECF No. 57. Following the Court's summary judgement ruling, the parties submitted briefs on remedies. See Pls.' Br. Remedies, ECF No. 86; Defs.' Resp. Mem. Remedies, ECF No. 92. The Court now **GRANTS** the Plaintiffs the requested declaratory relief.

The Defendants, in their Opposition and subsequent filings, ignore the allegations relating to the FACA violations themselves. Rather, the Defendants argue only that these claims are moot because the Climate Working Group has been dissolved. See Defs.' Mem. Opp'n 11, Defs.' Resp. Mem. on Remedies 5-7, 13, 16-17. The Defendants have not denied, for example, the

specific allegations that the Climate Working Group violated FACA's requirements for establishing and utilizing an Advisory Committee (Mem. Supp. Pls.' Mot. Prelim. Inj. 12, citing 41 C.F.R. § 102-3), holding open meetings (id. at 14), providing open records (id.), and maintaining fair balance and influence (id. at 15). These violations are now established as matter of law.

Pursuant to the Declaratory Judgement Act, 28 U.S.C. § 2201, the Court now **DECLARES**:

1. That the Climate Working Group was not exempt from the requirements of FACA. The Climate Working Group was a Federal Advisory Committee, and not merely "assembled to exchange facts or information," but rather provided substantive policy "advice and recommendations" to the Department of Energy. See Env't Def. Fund, Inc. v. Wright, 800 F. Supp. 3d 284, 289 (D. Mass. 2025) (citing 41 C.F.R. 102-3.40(e); 5 U.S.C. § 1001(2)(A)).
2. That having ordered the production of documents and qualifying the application of the deliberative process privilege and personal privacy interests, the Court is satisfied that the government has remedied the informational injury established under 5 U.S.C. § 1009(b). See Env't Def. Fund, Inc. v. Wright, No. 25-

12249, 2026 WL 183484 (D. Mass. Jan. 23, 2026); Defs.

Notice of Compliance, ECF No. 98.

3. The Environmental Protection Agency is dismissed as a defendant ~~therein~~. The Court found no persuasive evidence of conduct violative of the FACA on the part of any entity outside of the Department of Energy and Secretary Wright. See Elec. Clerk's Notes, ECF No. 94.

SO ORDERED.


WILLIAM G. YOUNG
JUDGE
of the
UNITED STATES¹

¹ This is how my predecessor, Peleg Sprague (D. Mass 1841-1865), would sign official documents. Now that I'm a Senior District Judge I adopt this format in honor of all the judicial colleagues, state and federal, with whom I have had the privilege to serve over the past 47 years.