

25-06692 MPJ
(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Many Communities • One Voice • Keeping Community Informed

September 11, 2025

Hon. Pam Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Harmeet K. Dhillon
Assistant Attorney General for Civil Rights
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Lee Zeldin
EPA Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460



Re: Threats to Community Survival from State-Sanctioned Gatekeepers, Misuse of Justice40, and Erosion of the Maryland 2016 Title VI DOJ|EPA|DOT Compliant, 2019 Settlement Agreement

Dear Attorney, General of the United States, Assistant Attorney General for Civil Rights and the EPA Director:

We write to you with urgency on behalf of Brandywine residents whose rights, health, and survival are being directly threatened—not by developers alone, but by the networks of state-sanctioned gatekeepers who have hijacked the environmental justice agenda in Maryland.

I. STATE-LEVEL NONRESPONSE

On **August 25, 2025**, (b)(6) Privacy, (b)(7)(C) Enf. Privacy sent a formal letter to the Maryland Department of the Environment (MDE) and Deputy Secretary Ortiz documenting the downgrade of Brandywine's EJ score, the removal of race/language/age indicators, and the resulting rollback of protections secured through our 2016 Title VI settlement. That letter included specific remedies, such as:

- Publication of the rationale for dropping key demographic indicators;
- An independent audit comparing MDEnviroScreen to EPA EJSCREEN;
- A pause on new/expanded permits in Brandywine pending cumulative impact review;
- Enforcement of COMAR Title VI participation requirements;
- Establishment of a Brandywine EJ Advisory Board with oversight authority.

To date, **MDE has not responded** to this formal notice. This silence itself constitutes a violation of the **public engagement and consultation requirements under COMAR 20.79.01.04 and 20.79.01.05**, as well as the obligations created by our 2016 Title VI settlement.

By ignoring our correspondence and failing to act on documented rollbacks, MDE has left Brandywine with no option but to escalate to **EPA OCR and DOJ Civil Rights**.

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Our Experience: Exploited and Sidelined

The (b)(6) Privacy, (b)(7)(C) Enf. Privacy, has fought for decades to secure real protections—most recently through our 2019 **Title VI complaint**, and settlement in opposition to unlawful zoning actions around the approval of a third power plant within a 2.9 mile radius, and now **CR-80-2025**, and our active litigation (b)(6) Privacy, (b)(7)(C) Enf. Privacy **Prince George's County**, concerning stormwater diversion and property takings). These are real harms: stormwater flooding our land, police inadequacy undermining safety, and Jim Crow-era infrastructure strangling our community's growth.

Yet our struggles have been co-opted. Organizations such as **WHEJAC, NEJAC, TCTACs, SIGS-funded nonprofits**, (b)(6) Privacy, (b)(7)(C) Enf. Privacy along with proxies like (b)(6) Privacy, (b)(7)(C) Enf. Privacy attach locality community crises as talking points to secure grants and federal recognition—while excluding us from the table. They reduce our fight for survival into a line item in their climate-change agendas, when our immediate battle is with failed governance, discriminatory land use, and stormwater devastation.

Justice40 Became a Cover

Justice40 promised relief. Instead, it became a funding pipeline for these proxies. Not a dollar has reached Brandywine. Instead, “equity” money has been captured by intermediaries who built their networks on our backs, while our community still wades through floodwater and inadequate infrastructure. This is not equity. It is **appropriation of our pain**.

Dark Money Gatekeeping

As national reports have shown (e.g., Arabella/New Venture Fund), dark money flows through nonprofits that create the appearance of grassroots representation while hiding decision-makers and benefiting insiders. In Maryland, we are living this reality. These gatekeepers are funded to “engage communities” but in practice silence us, control narratives, and deny us resources. They are a **direct threat to our survival**.

II. WHAT WE ASK DOJ/EPA TO DO

1. **Investigate the misuse of Justice40 and TCTAC resources in Maryland**—who received them, how much, and whether Brandywine received any benefit (we did not) while we applied through (b)(6) Privacy, (b)(7)(C) Enf. Privacy and the University of Maryland's TCTAC, received no legitimate follow-up, after Donald Trump was elected President, stating no funding.
2. **Recognize** (b)(6) Privacy, (b)(7)(C) Enf. Privacy as the authentic Title VI parties—not WHEJAC, NEJAC, SIGS, (b)(6) Privacy, (b)(7)(C) Enf. Privacy or their proxy grantees.
3. **Audit and expose dark money funding structures** that displace community voice and channel equity dollars into proxies.
4. **Reaffirm Title VI enforcement** by tying federal resources to *direct, community-led engagement*—not intermediaries that profit from exclusion.
5. **Protect against retaliation** as we pursue remedies through judicial review and litigation (including (b)(6) Privacy, (b)(7)(C) Enf. Privacy **stormwater case for “takings” by MDE and Prince George's County**) by ensuring state agencies cannot sideline us via proxy organizations.

III. DOCUMENTED EVIDENCE OF EJSCREEN MANIPULATION, PROXY DEFLECTION, AND ADVISORY CAPTURE

In August 2025, Brandywine's EJ score was downgraded from the federal EPA EJSCREEN baseline (~97th percentile) to a state-assigned score of 63/100 in Maryland Department of the Environment (MDE) MDEnviroScreen. This downgrade was accomplished by removing **race, language, and age indicators** from the scoring methodology. As we documented in our September 5, 2025, letter to MDE, this change directly undermines the **Title VI protections secured through our 2016 settlement** and codified in Maryland law, for which MDE have yet to acknowledge or respond.

It is important to stress: our **Title VI complaint was accepted under the Trump Administration**, even as that administration was openly asserted to be hostile to environmental justice and DEI protections. The fact that

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Maryland now uses Trump's anti-DEI executive order as the justification for stripping Brandywine's protections is not only contradictory—it is retaliatory. **Even Trump's EPA recognized our burden. Today, Maryland is dismantling those protections in plain sight.**

Under **COMAR 20.79.01.04 and 20.79.01.05**, Maryland is required to:

1. Conduct **public engagement and consultation** with affected communities;
2. Apply a consistent **environmental justice screening methodology** that reflects demographic, linguistic, and cumulative impact realities; and
3. Provide transparency and accountability in how screening scores are developed and applied.

The removal of race, language, and age from MDEnviroScreen violates these requirements and constitutes a **rollback** of protections put in place specifically as remedies under the 2016 Title VI settlement.

In a written response on September 8, 2025, (b)(6) Privacy, (b)(7)(C) Enf. Privacy (University of Maryland (b)(6) Privacy, (b)(7)(C) Enf. Privacy confirmed that the score reduction was due to compliance with "Trump's anti-DEI EO." This is an admission that the **methodology—not actual environmental improvement—lowered our score**. Yet rather than correcting this manipulation, Dr. Wilson redirected us to "join" (b)(6) Privacy, (b)(7)(C) Enf. Privacy two organizations formally listed as partners under his (b)(6) Privacy, (b)(7)(C) Enf. Privacy network. This response deliberately bypassed our independent governance (b)(6) Privacy, (b)(7)(C) Enf. Privacy and attempted to funnel us into his own proxy framework.

The harm is twofold:

1. Our community's eligibility for **Justice40 and related equity resources** was artificially suppressed, in violation of COMAR's mandate for consistent methodology and our Title VI agreement.
2. We were told that access to remedy required **assimilation into proxy organizations**, undermining the **community consultation and participation** requirements of COMAR 20.79.01.04–.05.

This practice also contradicts the **principles of the White House Environmental Justice Advisory Council (WHEJAC)**, established under Executive Order 14008, which explicitly requires that "voices, perspectives, and lived realities" of impacted communities inform federal EJ policy. By stripping out demographic indicators, Maryland erased the lived realities of Brandywine residents. By substituting (b)(6) Privacy, (b)(7)(C) Enf. Privacy proxies in place of (b)(6) Privacy, (b)(7)(C) Enf. Privacy Maryland ensured that our voices would be filtered rather than heard.

Compounding this harm (b)(6) Privacy, (b)(7)(C) Enf. Privacy further advised that "neither the current US EPA nor DOJ are friendly to the EJ movement," effectively discouraging us from pursuing federal enforcement of our **Title VI rights**.

This is **retaliation disguised as compliance**. The downgrade of Brandywine's EJ score, the violation of COMAR's explicit requirements, and the redirection into (b)(6) Privacy, (b)(7)(C) Enf. Privacy proxies represent a deliberate **substitution of voice** that erases the very community that secured federal recognition in the first place and violates both the **letter of our Title VI settlement** and the **spirit of WHEJAC's mandate**.

Diversion from Support into Gatekeeper Networks

When we requested funding support through (b)(6) Privacy, (b)(7)(C) Enf. Privacy TCTAC at the University of Maryland, our independent governance structures—(b)(6) Privacy, (b)(7)(C) Enf. Privacy—were not respected. Instead of providing direct support, (b)(6) Privacy, (b)(7)(C) Enf. Privacy directed us in writing to "join" other organizations, specifically (b)(6) Privacy, (b)(7)(C) Enf. Privacy while omitting any mention of (b)(6) Privacy, (b)(7)(C) Enf. Privacy his own branded platforms.

This is not meaningful engagement. It is **diversion and assimilation**. Communities seeking support should not be told to abandon their governance and merge into other networks in order to access resources. That strips us of our autonomy and voice.

We emphasize *respecting our independent governance is the only path consistent with Title VI*. Directing us into proxy organizations is not compliance—it is **substitution of voice**.

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IV. EXHIBIT A – PROXY ORGANIZATIONS / GATEKEEPER NETWORK

The following organizations illustrate the scope of the **proxy ecosystem** that state and federal agencies have elevated as stand-ins for authentic community voice.

A. WHY THIS MATTERS

- None of these groups are **ombudsman structures** accountable to Brandywine residents.
- None are **community-rooted governance bodies** with legal standing under our 2016 and 2019 Title VI complaints.
- None directly represent the lived harms of flooding, stormwater failures, zoning rollbacks (CR-80), or cumulative industrial siting in Brandywine.

Instead, these organizations function as **gatekeepers**: intermediaries that absorb equity funding, occupy advisory seats, and speak in our name while excluding us from decision-making. They create the appearance of equity while denying its substance.

By elevating these proxies instead of engaging (b)(6) Privacy, (b)(7)(C) Enf. Privacy state and federal agencies are engaging in **substitution of voice**—a direct violation of Title VI and the 2016 settlement.

B. THE STAKES

This is not about climate-change branding. It is about stormwater destroying our property. It is about zoning approvals (CR-80-2025) stripping away our rights. It is about a community that has been overburdened and under-protected for generations. If gatekeeper organizations continue to absorb federal equity funds while we are locked out, Brandywine's survival is at risk.

We urge DOJ and EPA to act now. Protect our 2019 Title VI agreement. Investigate the misuse of federal equity dollars in Prince George's County and at the Maryland National Capital Park and Planning Commission (MNCPPC). Stop the substitution of our voice with intermediaries.

We also ask DOJ and EPA to recognize that Maryland has ignored our direct, formal correspondence.

On **August 25, 2025**, (b)(6) Privacy, (b)(7)(C) Enf. Privacy submitted a CR-80 stormwater and EJ letter to MDE documenting Brandywine's downgraded EJ score (from 97th percentile to 63/100), ongoing violations at Holcim MAR, and cumulative harms under CR-80. MDE has never responded. This silence violates both **COMAR 20.79.01.04-.05** and the participation requirements secured under our 2016 Title VI settlement.

At the same time, our (b)(6) Privacy, (b)(7)(C) Enf. Privacy case remains active in circuit court, challenging the unlawful diversion of stormwater that destroyed property and created public health hazards. The State's refusal to acknowledge or remedy these harms while rolling back our EJ protections underscores why federal enforcement is essential.

Restore real justice—not branding exercises—for the people of Brandywine and for all communities whose survival depends on **community-led organizations with lived experience and legal standing, not intermediaries hijacking our struggles for their own gain.**

Respectfully submitted,

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¹ **Supporting Documentation:** The (b)(6) Privacy, (b)(7)(C) Enf. Privacy have assembled extensive documentation—including our August 25, 2025, formal letter to MDE, inspection reports, community health data, correspondence with state officials, and related exhibits—in our (b)(6) Privacy, (b)(7)(C) Enf. Privacy Google Docs archive. We are prepared to provide DOJ and EPA staff with secure access to this repository, or to transmit the materials via a secure upload method designated by your offices.

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EXHIBIT A – PROXY ORGANIZATIONS / GATEKEEPER NETWORK

These are national NGOs, foundation-driven networks, or academic-affiliated coalitions. They have access to Justice40, TCTAC, and foundation funds. Meanwhile, Brandywine—the community that filed and secured a Title VI agreement—has been precluded. This is the definition of **substitution of voice** and a direct violation of Title VI.

The following organizations illustrate the scope of the **proxy ecosystem** that has been elevated in federal and state “environmental justice” engagement. These groups are funded and recognized as the **default community voice**, while **authentic, independent governance structures** (b)(6) Privacy, (b)(7)(C) Enf. Privacy community-led) remain excluded.

Role of (b)(6) Privacy, (b)(7)(C) Enf. Privacy in the Proxy Ecosystem

The (b)(6) Privacy, (b)(7)(C) Enf. Privacy describes itself as a key infrastructure builder for climate and clean energy justice: providing grants, policy analysis, donor advising, and communications support to “multiracial, working-class communities.” Because Maryland is one of its operating states, (b)(6) Privacy, (b)(7)(C) Enf. Privacy helps equip partner organizations with the tools, legitimacy, and narrative platforms they need to compete for policy access and federal programs like Justice40 and TCTAC. However, Brandywine’s community-led bodies (b)(6) Privacy, (b)(7)(C) have not been elevated or funded to the same degree, and are often excluded from these flows—while proxy’s benefit. This disparity underscores how financial and narrative power is systematically captured, reinforcing the substitution of voice that has undermined our Title VI protections.

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Conclusion

This proxy network is expansive, well-funded, and institutionally connected. But it is **not Brandywine**. None of these organizations function as an **ombudsman for community survival**, nor do they have the authority to substitute for the complainants under Title VI. Their elevation over (b)(6) Privacy, (b)(7)(C) Enf. Privacy is evidence of **substitution of voice** and a **systematic violation of Title VI**.

Together, these sections show a **systemic pattern of exclusion and substitution**:

- **Maryland's Data manipulation** (EJ score downgrade).
- **Proxy diversion** (directing Brandywine into (b)(6) Privacy, (b)(7)(C) Enf. Privacy).
- **Advisory gatekeeping** (WHEJAC/NEJAC/CEJSC seats held by NGOs/academics).
- **Dark money & equity funds** (Arabella (b)(6) Privacy, (b)(7)(C) Enf. Privacy).
- **Personal insider networks** (b)(6) Privacy, (b)(7)(C) Enf. Privacy → EPA → Maryland EO signing).
- **State nonresponse** (MDE ignoring formal letter, violating COMAR & settlement).

Press Documentation of State Acknowledgment of Audit Processes

On August 27, 2025, the *Capital Gazette* reported that the Maryland Department of Housing and Community Development (DHCD) said it conducts internal audits of its grant programs and that grantees submit required documentation. However, this has not translated into transparency or accountability in practice. The contents of those submitted documents and internal audit outcomes have not been made public or provided to the impacted communities, including Brandywine. This lack of transparency continues to block community oversight, in violation of Maryland statutes and the participation and disclosure requirements in our Title VI agreement.

This web of proxies, funding, advisory bodies, and insider influence **systematically advantages intermediaries over Brandywine**, converting our lived harms and other communities into currency for proxy organizations institutional gain while dismantling the Title VI protections we secured.

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EXHIBIT B – CONNECTING THE DOTS: PROXY NETWORKS AND FEDERAL ADVISORY STRUCTURES

A. WHEJAC'S MANDATE (FEDERAL LEVEL)

The White House Environmental Justice Advisory Council (WHEJAC) was established under **Executive Order 14008** to provide *independent advice and recommendations* to the White House Environmental Justice Interagency Council and Council on Environmental Quality. Its purpose is to ensure that **the voices, perspectives, and lived experiences of impacted communities** shape federal environmental justice policy. ([White House EJ page](#))

B. HOW PROXY NETWORKS GAIN LEGITIMACY

Proxy organizations such as (b)(6) Privacy, (b)(7)(C) Enf. Privacy operated by (b)(6) Privacy, (b)(7)(C) Enf. Privacy out of the University of Maryland, build expansive partner lists that include groups like (b)(6) Privacy, (b)(7)(C) Enf. Privacy and (b)(6) Privacy, (b)(7)(C) Enf. Privacy. These networks are institutionally tied into state and federal advisory processes and present themselves as “community coalitions,” even though they are **academic/foundation constructs**, not independent community governance bodies.

Because networks like (b)(6) Privacy, (b)(7)(C) Enf. Privacy overlap with the broader advocacy ecosystem that feeds into WHEJAC and NEJAC (EPA's National Environmental Justice Advisory Council), they gain policy access and legitimacy. This positioning allows them to **speak on behalf of frontline communities** while excluding the communities themselves.

C. BRANDYWINE'S EXCLUSION IN PRACTICE

- In **August 2025**, Brandywine's EJ score was downgraded from ~97th percentile (EPA EJSCREEN baseline) to 63/100 in MDEnviroScreen. This occurred not because conditions improved, but because **race, language, and age** were stripped from the methodology.
- In a **September 8, 2025, response**, (b)(6) Privacy, (b)(7)(C) Enf. Privacy stated this was due to “Trump's anti-DEI EO.” Yet, instead of calling for restoration, he directed Brandywine to “join” (b)(6) Privacy, (b)(7)(C) Enf. Privacy partners—bypassing our independent governance (b)(6) Privacy, (b)(7)(C) Enf. Privacy.
- At the same time, (b)(6) Privacy, (b)(7)(C) Enf. Privacy stated that “neither the current US EPA nor DOJ are friendly to the EJ movement,” effectively discouraging federal enforcement of our **2016 Title VI settlement**.

This combination—**EJSCREEN manipulation + proxy diversion + discouragement of enforcement**—represents a textbook case of **substitution of voice**: Brandywine's lived reality is erased, while proxy organizations absorb legitimacy and resources.

D. VIOLATION OF TITLE VI, COMAR, AND WHEJAC'S PRINCIPLES

Under **COMAR 20.79.01.04** and **20.79.01.05**, Maryland is required to:

1. Engage directly with affected communities;
2. Apply consistent EJ screening methodologies that reflect demographic and cumulative impacts;
3. Provide transparency in how scores are developed and used.

By stripping demographic indicators from MDEnviroScreen and directing Brandywine into proxies instead of engaging our governance, Maryland violated both COMAR requirements and the **2016 Title VI agreement**.

It also violates the spirit of **WHEJAC's mandate**. WHEJAC exists to ensure that federal EJ policy is shaped by direct, unfiltered community voice. In Brandywine, the opposite occurred: our lived burdens were **downplayed by data manipulation**, and our governance was **supplanted by academic-controlled coalitions**.

CAPITAL DISTRICT 208

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EPA Administrator

Lee Zeldin

EPA Administrator

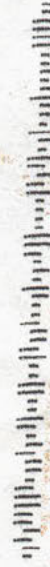
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