A Review
of the Department of Energy’s Implementation
of Executive Order 12898 and Recommendations
for a Second Five-Year Strategic Plan

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A Review of the U.S. Department of Energy’s Implementation of Executive Order 12898 and Recommendations for a Second Five-Year Strategic Plan

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Introduction

At the request of the U.S Department of Energy’s Office of Legacy Management, the Medical University of South Carolina (MUSC) performed a historical review of the Office’s implementation of Executive Order 12898, developed a catalog of activities implemented to achieve the mission of the Executive Order and formulated recommendations for a Second Five-Year Strategic Plan.

The review includes historical and background information regarding the implementation of the Executive Order and on-site interviews with key academic, community and private sector leaders during the 2013 National Environmental Justice Conference and Training Program, held in Washington D.C., April 3-5, 2013.

The second part of the review is a compilation of Environmental Justice (EJ) activities and programs that were implemented by DOE over the last twenty (20) years (Appendix A).

Summary of Findings

1. Program Manager

Academic, community and private sector leaders view the DOE EJ Program Manager as a critical factor in the success of environmental justice program implementation.

The Program Manager, Melinda Downing, is respected for her outstanding performance and praised for her leadership, support and expertise on DOE EJ matters. The Program Manager is viewed as having done a good job in implementing the DOE EJ strategy, and as a result of her efforts, DOE is viewed as a leader in the implementation of the Executive Order. She received extraordinary accolades for the implementation of the Executive Order and is viewed as having utilized resources effectively.
2. Community Capacity Building

An objective of this assessment is to obtain input from the environmental justice community for the development of the second five-year strategic plan.

From the interviews, we learned that community capacity building is considered a key aspect of the current strategic plan. To promote capacity building, DOE has provided access, knowledge, ability and resources for meaningful participation in its decision-making processes. Community-based training and technical assistance programs have been provided to improve the capacity of stakeholders to participate in the implementation of DOE’s first Strategic Plan.

3. Community Involvement

The Department’s EJ program has involved community stakeholders in the decision-making process through public participation in the form of community meetings and conferences. In these meetings, DOE has provided information and opportunities for the public to participate with and assist DOE in identifying issues and problems. A significant number of programs, activities and partnerships were created and implemented during the first five years of DOE’s implementation of its Strategic Goals and Work Plans. (See Appendix A.)

These include:

The Community Leaders Institute (CLI) has been a key and effective strategy utilized to promote Public Participation by DOE. A substantial number of Institutes and Listening Sessions were held and involved significant public participation. The CLI program has been a successful partnership between DOE and MUSC for approximately fifteen (15) years, engaging the public and communities in discussions and listening sessions about EJ issues.

DOE has been successful in partnering with Historically Black Colleges and Universities (HBCU), Minority Serving Institutions (MSI), and Tribal Institutions to provide education and training opportunities to minority students and technical assistance to support minority communities.

DOE has utilized technology as an effective strategy to implement the four (4) EJ strategic goals reflected in its planning document.

DOE has been effective in identifying and addressing issues and concerns that have disproportionately high and adverse health or environmental effects on minority, low-income and tribal populations.

Through The Samuel P. Massie Chairs, significant EJ research has been conducted. These Chairs have been effective in disseminating information to minority and low-income communities.

Executive Order 12898 has provided communities with an effective tool to organize and increase their participation in EJ issues impacting their communities.

The Interagency Working Group (IWG) has been an important mechanism for implementing the goals and objectives of DOE’s EJ strategic plan.
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Recommendations for Developing A Second Five-Year Strategic Plan

From the review of DOE’s EJ program implementation and activity, interviews with community, academic and industry leaders, as well as discussions with government members and EJ administrators, the following recommendations for going forward with a second five-year DOE/EJ strategic plan were drawn.

1. Increase Institutional Public Participation through:
   - Continuing the utilization of HBCU, MSI and Tribal Institutions to conduct research and provide important information to minority and low-income communities.
   - Expanding the Community Leaders Institutes (CLI) throughout the country. The format should be expanded to include specific “feedback sessions” for DOE regarding community accomplishments.
   - Expanding the utilization of public and academic libraries to bridge the digital divide within minority and low-income communities in order to promote the effective dissemination of relevant EJ information.

2. Institutionalize the Executive Order 12898 in form of a law to strengthen the implementation of EJ programs across the Federal Government.

3. Establish performance measures for each strategic goal included in the new plan to include, but not limited to:
   a. public participation and community involvement;
   b. the increased involvement of younger people; and
   c. non-compliance by the private sector in the implementation of EJ rules and regulations.

4. Expand the Community Leaders Institutes and the Samuel P. Massie Chairs to provide more research and information dissemination to impacted communities and utilize the Community Leaders Institutes to disseminate information and provide feedback on accomplishments to Communities.

5. Increase training opportunities for young people through partnerships with non-profit community based organizations, Historically Black Colleges and Universities, Minority Serving Institutions and Tribal Institutions.

6. Organize youth through the implementation of STEM programs in partnership with Historically Black Colleges and Universities and Minority Serving Institutions.

7. Expand community capacity building through the utilization of social media (digital tools) with all partners (reducing the digital divide).

8. Grow and improve the effectiveness of the Interagency Working Group platform at both the headquarters and regional levels to address specific issues at both the national and community levels.

9. Expand and improve consultation and information dissemination with Tribal governments and communities to include consultation with all tribal councils.

10. Promote the creation of “public-private partnerships” to provide funding for community based projects identified through the CLI and the Interagency Working Group (IWG).
Appendix A
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Appendix A

Programs and Activities of Initial Five-Year Strategic Plan

During the implementation of the DOE Environmental Justice (EJ) program and its First Five-Year Strategic Plan, a significant number of programs, activities and partnerships were implemented and are operating effectively. The following is a listing of these programs, activities and partnerships:

1. Building Community Capacity Through Technology

   Partnership with Tennessee State University and the National Urban Internet to provide technical assistance to communities near the Oak Ridge and Savannah River sites.

   Community Technology Centers are being given computers to increase the communities’ access to information and training.

   The Community Leaders Institute.

   Partnership with Tennessee State and the Medical University of South Carolina to conduct training and promote technical assistance in communities.

   Workshops and made-for-television dialogues are being held in many communities.

2. Dr. Samuel P. Massie Chairs of Excellence

   Involves nine Historically Black Colleges and Universities and one Minority Serving Institution.

   Involves a team of scholars, researchers and educators to conduct research, provide advice and assistance to municipalities, and promote collaboration among federal agencies.

   Located in National Nuclear Security Administration.

3. United Negro College Fund Special Projects

   Summer Internship/Mentorship Program for undergraduate students attending minority institutions.

   Designed to bring students to DOE’s laboratories for hands-on-mentoring experience in the fields of environmental science and engineering.

4. The State of Environmental Justice in America

   Located at Howard University School of Law.

   National Conferences held annually to bring together leaders from various sectors and interests for free exchange of ideas and concepts for environmental justice such as the 2013 National Environmental Justice Conference and Training Program.

5. Environmental Justice Training Classes

   Assist DOE Department and Contractor personnel in gaining a greater understanding and awareness of Environment Justice issues.

   Classes: Public Participation, Environmental Justice and Communicating with the Public help personnel communicate more effectively in public meetings.
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Appendix A

Progress Report for the Initial Five-Year Strategic Plan

The Federal Opportunities Institute was created for Historically Black Colleges and Universities (HBCUs), Minority Serving Institutions (MSIs).

1. Institutes Conducted at Tougaloo College and Tuskegee University

   a. U.S. Department of Agriculture (USDA), Homeland Security, Army Corps of Engineers and DOE participated in these events.

   b. Designed to give HBCUs and MSIs greater familiarity with Federal programs and make federal programs better acquainted with HBCU and MSI capabilities, all for the purpose of providing HBCUs and MSIs with additional tools to support community participation in DOE decision-making.

   c. USDA and DOE agreed to establish a community technology center at Tougaloo College. The topic of conversation at Tuskegee was how the institution and the host community can collaborate to stimulate the local economy and support the school’s recruiting and retention efforts. A broad-based partnership was to be formed to develop a strategic plan to acquire the resources and conduct the Initiative’s initial activities.

2. Fifteen (15) Funded Cooperative Agreements with Tribal nations – 2009 funding was $6.0 million – performing a number of significant activities through cooperative agreements.

3. Federal Tribal Energy and Energy Efficiency Team of USDA, EPA, HUD and DOE was formed to coordinate and improve renewal energy activities on tribal lands, and to develop a strategic plan.

4. Washington D.C. Environmental Justice Dialogue was a new initiative introduced in 2010

5. Two-hour discussion held to increase the discussion of environmental and EJ issues between federal decision makers and nongovernmental stakeholders in Washington D.C. Dialogues are proposed to take place Quarterly

6. Online Environmental Justice Training (OLC)

   One-Hour online EJ training class for Federal and Contractor Personnel designed to increase EJ awareness across the Department and will supplement classroom training and other program assistance.

7. Partnership with DOE Office of Human Capital’s (HC) Learning and Workforce Development

   A training partnership was established in 2010 with the Learning Forum in Albuquerque, New Mexico.

8. George Washington University Environmental Resources Policy Graduate Program Capstone Course

   A partnership between DOE and George Washington University to provide students in the graduate program of Environmental Resources Policy hands-on experience in the Department’s EJ Program. The students analyze current environmental and energy issues and develop recommendations or strategies for the Department. The students earn three credits for the course.

9. Expansion of Mentorship for Environmental Scholars (MES) Program for undergraduates at Minority Serving Institutions that provide exposure to laboratory research in biotechnology, computer science, environmental science and engineering. Designed to create a pipeline that will guide students toward DOE management and research positions.
Progress Report for the Initial Five-Year Strategic Plan (cont.)

10. Office of Health Safety and Security (HSS) Commitment to EJ Activities
   a. EJ Awareness and training Monthly Conference Calls with DOE headquarters’ and field offices and Contractor Personnel.
   b. Distributed EJ Conference and Training Information to DOE participants.
   c. Hosted Information Brief on the HSS Website.
   d. Maintained a Library of Environmental Laws, Regulations, etc.
   e. Participated in the Annual EJ Conference.

11. Congressional Black Caucus (CBC) Energy Braintrust
    Braintrust brings together thought leaders from around the country to discuss the latest developments in a particular subject area and maps out a plan for moving forward.

12. Bonneville Power Administration (BPA) Student Intern Program
    a. FY 2011 involved students through a work experience.
    b. Student benefits include scholarships.
    c. Designed to introduce students to BPA as an employer of choice and provide students with an opportunity to consider the agency’s student program.

13. Bank Deposit Financial Assistance Program
    Office of Economic Impact & Diversity (ED) provides updates on how minority- and women-owned financial institutions that participate in the program have provided resources or benefits to minority, low-income and tribal populations in their communities.

14. Commitment to Gulf Coast & Initiatives Deepwater Horizon Integrated Services Team
    ED reports on the results of DOE intra-agency working group subject matter and experts’ responses to Gulf Coast initiatives, including efforts to increase energy efficiency and renewable energy.

15. Institute of Electrical and Electronics Engineers (EERE) Green Technologies Conference
    ED provides a DOE forum on energy, education and grant writing.

16. Education and Technical Assistance
    a. EERE and ED to developed a Clean Energy Education Campaign.
    b. ED provides minority, low-income and tribal communities increased access to DOE energy programs and teach them about the benefits of clean energy.

17. Analysis for the Secretary of Energy
    ED prepared an analysis of DOE’s actions to educate and involve minority, low-income and tribal populations about DOE activities.

18. Energy Consumption Analysis
    a. Collaboration between Morehouse College, ED and the Energy Information Administration to conduct socioeconomic research relating to energy consumption, and use patterns among minority populations in support of PL 95-619.
    b. Purpose: Reduce Energy Consumption in Minority households, and create Education and Training programs.
    c. Serve 100 to 200 economically disadvantaged minority households.
19. Atlanta Universities Consortium Sustainable Campus Community Initiative
   a. Support capacity building in the areas of alternate, renewable and green technologies.
   b. An energy/science portal site to be made available to all participating institutions students and faculty. With assistance from Oak Ridge National Laboratory, high school students will participate in a two-week High School Energy Summer Fellowship Institute.
   c. To create an Energy Stars Fellowship Program to attract talented students and employ them in energy research efforts at the Consortium or a DOE Laboratory.

   BPA and ED promote science education and research among American Indian college students and faculty at Tribal Colleges and Universities (TCUs), and mainstream higher education institutions in partnership with national laboratories.

21. Support to Minority Serving Institutions (MSIs)
   ED provides support to MSIs to participate in research and development, program evaluation, training, internships, scholarships, grants and contracts.

22. U.S. Department of Agriculture (USDA)
   DOE partners with USDA in developing technical and financial assistance programs for disadvantaged and underserved communities to meet the mutual goals of both agencies.

John King, CNN, moderates “Our Nation’s Health: A Focus on Social Determinants” at South Carolina ETV in Columbia, SC.
Partnerships Established During Initial Strategic Plan

Since the implementation of the Five-Year Strategic Plan, DOE has created the following partnerships to promote inter-agency coordination and communication, capacity building, public involvement, education and training.

1. Federal Interagency Working Group on Environmental Justice (IWG)

2. Congressional Black Caucus

3. Material Conference of Black Mayors

4. Dr. Samuel P. Massie Chairs of Excellence at HBCUs


6. Howard University – Capacity Building

7. Tennessee State University – Capacity Building

8. Medical University of South Carolina – Capacity Building

9. National Urban Internet – Capacity Building

10. Academic Institutions Communities and Agencies Network (ACA-Net) – Capacity Building

11. Intertribal Council on Utility Policy (ICOUP) – Capacity Building

12. National Environment Justice Advisory Council (NEJAC) – Public Involvement

13. The National Coalition for People of Color and Disenfranchised Communities – Public Involvement

14. Coalition for the Los Alamos Community – Public Involvement


16. Environment Technology Consortium – Education and Training

17. African-American Yearbook – Education and Training

18. The Dr. Samuel P. Massie Chairs of Excellence – Education and Training

19. Public Participation, Environmental Justice and Communicating with the Public – Education and Training

George Washington University – Education and Training
Southwestern Indian Polytechnic Institute (SIPI), Albuquerque, NM.
Appendix B
Appendix B

Review Methodology

To document DOE’s implementation of its environmental justice program two study approaches were applied: structured interviews conducted with academic, community and private sector leaders and a literature review of existing EJ reports, plans and other relevant documents.

I. Structured Interviews
To gather insight into DOE’s EJ implementation, structured interviews were conducted with academic, community and private sector leaders. The interviews were held on April 4-5, 2013, at the 2013 National Environmental Justice Conference and Training.

II. Literature Review
A thorough literature review was conducted to better assess DOE’s implementation of its environmental justice program during the last twenty (20) years. A list of the major resources reviewed can be found at the end of this section.
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Appendix B

Structured Interviews

Questions for Academic Leaders

1. Has Executive Order 12898 improved your relationship with the government and community leaders, and what would you recommend to strengthen the Executive Order?

2. What would you recommend be done to improve the Executive Order?

3. You have worked with Legacy Management under the leadership of Ms. Melinda Downing over the years. How do you view her role in implementing the Environmental Justice Program throughout the Department of Energy?

4. What opportunities for improvement would you recommend for the future, and for the second five-year strategic plan?

Questions for Community Leaders

1. How has Executive Order 12898 changed the way business is done in your community, and what has the impact been from your point of view?

2. What would you recommend be done to improve the Executive Order?

3. You have worked with Legacy Management under the leadership of Ms. Melinda Downing over the years. How do you view her role in implementing the Environmental Justice Program throughout the Department of Energy?

4. What opportunities for improvement would you recommend for the future, and for the second five-year strategic plan?

Questions for the Private Sector Leaders

1. How has Executive Order 12898 changed the way the private sector operates?

2. Has the Executive Order improved your relationship with the government and community leaders, and what would you recommend to strengthen the Executive Order?

3. You have worked with Legacy Management under the leadership of Ms. Melinda Downing over the years. How do you view her role in implementing the Environmental Justice Program throughout the Department of Energy?

4. What opportunities for improvement would you recommend for the future, and for the second five-year strategic plan?

Interviewees

Dr. Sue Briggum
Waste Management, Inc.
Washington, DC

Mr. Tim Fields
MDB, Inc.
Washington, DC

Ms. Lessie Price
URS Corporation
Aiken, SC

Dr. Mildred McClain
Harambee House
Savannah, GA

Mr. Richard Moore
Los Jardinas Institute
Albuquerque, NM

Mr. Ben Wilson
Beveridge and Diamond, PC
Washington, DC

Mr. Harold Mitchell
Re-Genesis
Spartanburg, SC

Mr. Derrick Watchman
Navajo Nation
Phoenix, AZ

Dr. Kenneth Sajwan
Savannah State University
Savannah, GA

Dr. Lonnie Sharpe
Tennessee State University
Nashville, TN

Mr. Milton Bluehouse
Tribal Consultation Resources, LLC
Albuquerque, NM
government and business representatives to discuss and resolve environmental justice issues. Through the DOE, for example, concerned citizens, such as Dr. Mildred McClain, were able to attend workshops and learn about the production of plutonium at the Savannah River Site and the danger of nuclear waste. State Representative Harold Mitchell of Spartanburg, South Carolina, held a community charrette and developed plans with local government agencies to clean up a hazardous landfill. Lessie Price stated that the DOE’s programs had helped to bring all people to the table in her community in Aiken, South Carolina, to address environmental justice issues. She also noted that because of the DOE’s training, her constituents (she is a member of the Aiken city council) no longer come to her to resolve environmental justice issues; they address these issues themselves without going through her.

Interviewees from the Native American communities expressed that the DOE had made a special effort to address the environmental justice issues facing their tribal communities. Milton Bluehouse lauded Melinda Downing for bringing Congressman Jim Clyburn to his home state to meet with and discuss uranium mining in the Navajo and Pueblo nations. He said that Congressman Clyburn’s visit bridged the gap on environmental justice issues for these communities and was the most significant meeting that Native American communities had had with a U.S. elected official in years. Derrick Watchman also cited the DOE’s recognition of the 565 tribes that made up the Navajo Nation as one of its most important accomplishments during the past five years.

The interviewees from academia also cited the positive impact of the Executive Order on their institutions and the students who had the opportunity to learn more.

“Executive Order 12898 provides organizations with a vehicle; it legitimizes environmental injustice.”

– Richard Moore
about environmental justice. For example, Dr. Kenneth Sajwan of Savannah State University discussed how his institution had sponsored community workshops to inform people about the environmental impact of the Savannah River Site. He also documented how the involvement of his institution in environmental justice programs through the DOE had created an academic major for students at the university and produced thirty (30) Master’s degrees and three doctorates in the field of Environmental Science among the students who had served as his interns. Similarly, Dr. Lonnie Sharp, a Samuel P. Massie Fellow at Tennessee State University, explained how Tennessee State University had developed a series of programs to address issues of environmental justice in Nashville, and implemented courses at TSU to add the field of Environmental Science to the curriculum.

While, according to the interviewees, the Executive Order has primarily had a very positive impact, several of them think that it is time for more action in the field of environmental justice. Two of the interviewees felt that the DOE and its various constituents should move toward making the Executive Order a law. They felt that in order to make environmental justice more than a mandate and to give it some “legal teeth,” it was time to redo it and make it the actual law of the land. Tim Fields called for the DOE to take the lead in forming a public/private partnership with industry to address environmental justice issues in communities around the country. He believed that with the “sequester” and the reduction of federal funds for environmental justice efforts, the resources of private companies should be leveraged to make up the difference. The federal government through the efforts of the DOE should take the lead in this initiative. Milton Bluehouse of the Navajo Nation suggested that the DOE sponsor interagency projects that would bring together the DOE and the Department of Health and Human Services to coordinate a project focusing on how environmental issues affected health in a community.

Richard Moore of New Mexico suggested a similar interagency proposal for the DOE’s next five-year plan with the Department of Agriculture. Moore felt that the DOE had done enough “listening” and needed to bring some much-needed environmental projects to the communities. His vision was that the two departments would coordinate a joint effort to develop solar and wind energy to drive irrigation pumps for farmers in his state and help them to get off the electrical grid and tap these two new sources of energy. According to Moore, this would be a very positive project and show his community, in particular, that the DOE was interested in taking innovative action that will really help communities.

Ben Wilson outlined three areas in which he felt the DOE could improve:

1. Require annualized reports from each of the federal agencies expressing what each has done on environmental justice.

2. Have strict congressional oversight of these agencies holding them to account if they are not fulfilling their environmental justice goals.

3. Engage environmental justice communities, businesses and government on a regular basis.

He believes that making these improvements will allow DOE and its collaborators to protect the most vulnerable communities in the country.
All of the interviewees had high praise for Legacy Management under leadership of Melinda Downing.

Dr. Sue Briggum: “Melinda isn’t sufficiently well known and sufficiently appreciated for what she has done. There are several key things she has done to develop environmental justice throughout DOE. Number one: she is as good as anyone in getting people from different perspectives together to move toward consensus on a policy issue. She has been wonderful at taking limited resources and funneling them into capacity building.”

Dr. Mildred McClain: “Melinda Downing has always been in the background fighting for what is right. She is a woman in shining armor.”

Ms. Lessie Price: “Melinda wears the environmental justice logo whenever she enters the room. Melinda has expanded environmental justice from what it was twenty years ago.”

Mr. Richard Moore: “Melinda is an exceptional human being. From the DOE standpoint, they could not have a better person taking the environmental justice position within the DOE. I hold nothing but the highest respect for her.”

Mr. Tim Fields: “Melinda Downing’s role is critical. She provides the guidance and training for DOE contractors and stakeholders. She makes sure that strategy is implemented in the field. She does an outstanding job as the environmental justice program manager for DOE.”

Mr. Milton Bluehouse: “Melinda Downing is an absolutely wonderful person.”

Mr. Ben Wilson: “Melinda Downing has been game changing for DOE. What sets Miss Downing apart is that her work has spread beyond DOE, and now other federal agencies are also providing training and inculcating environmental justice as a part of their mission. We owe a lot to her.”

Mr. Harold Mitchell: “Melinda Downing is a strong advocate for all of the strategies out of the executive order on environmental justice.”

Mr. Derrick Watchman: “Melinda Downing tried to expand all of the programs and to have relationships with all of the tribes. Melinda has done a great job to work with the tribes.”

Dr. Lonnie Sharp: “She’s done a fantastic job of incorporating environmental justice within in the DOE. She implemented a training program and made sure that people in the community could participate.”

Dr. Kenneth Sajwan: “I met her 24 years ago. She is the key person in achieving environmental justice. She has reached out to the disadvantaged communities. She has a great role to play and she played it. She has produced tangible results and outcomes.”
Appendix B

Documents Reviewed

• Executive Order 12898

• Environmental Justice Definition and Policy

• The History of Environmental Justice

• DOE’s Environmental Justice Strategy

• DOE’s Initial Five-Year Implementation Plan

• Five-Year Implementation Plan: First Annual Progress Report

• Five-Year Implementation Plan: Second Annual Progress Report

• DOE’s — Legacy Management Program Updates

• DOE’s — Legacy Management Strategic Plan 2010

• DOE’s — Legacy Management 2011-2020 Strategic Plan

• US DOE Environmental Justice Strategy Implementation Assessment

• Environmental Justice at the DOE — A Decade of Progress (2005)

• Environmental Justice: Strengthening the Bridge Between Economic Development and Sustainable Communities (1999)


• Empowering Communities in the Age of E-Government

Acknowledgments

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The accompanying DVD is an edited collection of the interviews conducted with selected participants at the 2013 National Environmental Justice Conference in Washington, DC.