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SECOND ENDORSEMENT on SJA memo for the Chief of Staff 5101 SJA 41
of 18 Sep 87

From: Assistant Chief of Staff, Training and Operations
To: Chief of Staff

Subj: LIABILITY FOR PERSONAL INJURY INCURRED IN SURFACE DANGER
ZONES ABOARD MARINE CORPS BASE, CAMP LEJEUNE

1. The SJA memo makes clear the possibility of government and individual liability in the event of injuries suffered as a result of dud ordnance. This should come as no surprise -- other than perhaps personal liability -- but the question becomes one of responsible, practical operations or the avoidance of any possibility of injury and subsequent suit.

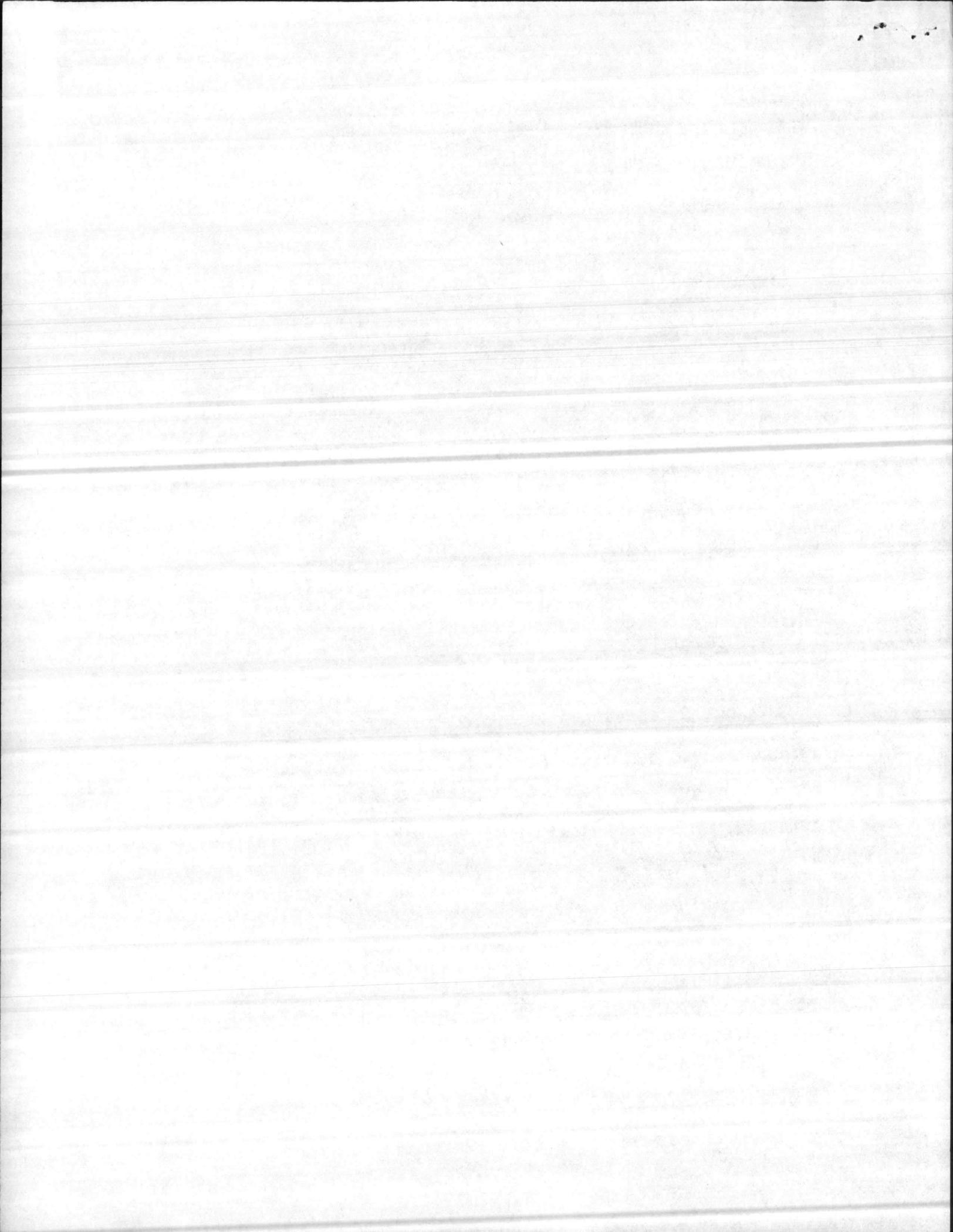
2. While it might be reasonable to assume that unexploded ordnance will be more prevalent in secondary danger areas than in other areas on the base, the facts don't bear this out. The records of early range areas and weapons use are poor to non-existent and unexploded ordnance is periodically discovered at various locations throughout the Base. It is fair to say that no training area on the Base meets the second requirement of the SJA memo, "a thorough and comprehensive inspection of the area must be performed and documented to that the area is decontaminated and reasonably safe".

3. Nevertheless if the object is to avoid any exposure to liability, this Department concurs with these two sentences in paragraph one of the first endorsement.

"Routine environmental activity and/or inspections will not be conducted by physically going into impact areas, surface danger areas or other areas where it is reasonably foreseeable that unexploded ordnance exists. Wildlife management and forest management will be conducted by other methods".

4. Accordingly, this Department will continue to:

- a. Offer briefings and video tape presentations to units or individuals.
- b. Respond to reports of dud ordnance discovery
- c. Mark impact areas
- d. Provide EOD escort to individuals or units required to enter any of the three major impact areas, G-10, K-2, N-1.
- e. Provide current training information to AC/S, Facilities for use in updating Camp Lejeune maps.



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5. This Department will not:

- a. Provide EOD escorts for activities in surface danger zones.
- b. Conduct the type of shoulder-to-shoulder, criss-cross patterned search using scorched earth and metal detectors in surface danger zones, as described in the SJA memo.

J. A. SPEICHER

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