



ROE

ARMY RIGHT OF ENTRY PROCESS



The Department of Defense (DoD) developed the Military Munitions Response Program (MMRP) to manage the environmental, health, and safety issues presented by unexploded ordnance (UXO), discarded military munitions (DMM), and munitions constituents (MC) found on property that DoD historically used for munitions-related activities, such as live-fire training, testing, and demilitarization. The Army often seeks access to property known or suspected to contain UXO, DMM, and MC to determine if these hazards remain on the property (referred to as munitions response sites or MRS) from past DoD activities. Some of these MRS are now private property. In order for Army representatives to enter private property to perform a munitions response (e.g., investigation or removal), the Army must obtain the property owner's permission. For MRS located on federally-owned or state-owned land, the Army ROE is typically acquired through coordination with the appropriate federal or state organization.

WHAT IS A RIGHT OF ENTRY AGREEMENT AND WHAT IS THE REASON IT REQUIRES THE PROPERTY OWNER'S SIGNATURE?

A right of entry (ROE) is a voluntary legal agreement with which a property owner provides the Army's representatives and Army contractors permission to enter the property for specific purposes (e.g., testing or conducting cleanup actions). By signing such an agreement, property owners protect their rights, limit the Army's actions, and establish the Army's responsibilities for its actions. The Army's actions aid the property owner by identifying and ultimately responding to any hazards that resulted from the DoD's use of the property.

WHAT HAPPENS IF THE PROPERTY OWNER DOES NOT SIGN THE ROE?

If there is a known or suspected threat to human health or the environment, the Army may turn the matter over to a federal or state regulatory agency or to the U.S. Department of Justice.

For more information

U.S. Army Environmental Command
Public Affairs Office
410-436-2556, fax 410-436-1693
e-mail: usaecpao@aec.apgea.army.mil
<http://aec.army.mil>

The Army would take such an action if it determines that a potential threat exists to the property owner or the public. It is very important for the Army to gain access to property known or suspected to contain UXO, DMM, or MC to assess the situation and address any DoD-related hazards present. The Army makes every effort to work with the property owner to guarantee as little disruption as possible.

WHAT HAPPENS IF PROPERTY OWNERS SIGN THE ROE AND THEN CHANGE THEIR MIND?

The first thing a property owner should do would be to contact the Army installation or the U.S. Army Corps of Engineers (USACE) District responsible for the response to see if something can be worked out. The ROE is a voluntary legal agreement upon which the Army and the property owner rely. It is important, as taxpayer dollars are being expended, that both parties live up to the agreement. The Army is committed to resolving such problems as quickly as possible.

DO PROPERTY OWNERS HAVE TO BE HOME TO LET THE ARMY ON THE PROPERTY?

No. However, if a property owner only wants the Army to perform work when they are present, the ROE can establish that as a condition of entry. At times, the Army may, for safety reasons, request that a property owner or residents evacuate the property to a safe distance during the work effort.

WHO CAN A PROPERTY OWNER CONTACT FOR ANSWERS TO QUESTIONS OR CONCERNS?

The Army is sensitive to the needs of property owners and affected community members for reliable and easily accessible information. The Public Affairs Office of the local Army installation or USACE District should be able to address any questions or concerns about the Army's or DoD's MMRP program or about the cleanup process. The Public Affairs Officer will work with the appropriate Army personnel to ensure any questions are answered or concerns addressed.

