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# Hexavalent chromium issues: Army Secretary says KBR contract still classified

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Julie Sullivan, The Oregonian  
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The Army's combat mission in Iraq has ended, but details of the no-bid contract it signed with Kellogg, Brown and Root before the war started remain classified.

On Tuesday, **Sec. of the Army John McHugh** said he would not release the contract's specifics that holds taxpayers -- and not KBR -- responsible for any harm to a soldier or civilian as it worked restoring Iraqi oil flows in 2003.

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But in a two-page response to **U. S. Rep. Earl Blumenauer's** demand for details, McHugh reveals how unusual the Army's arrangement with the former Halliburton subsidiary was.

"Apart from the Restore Iraqi Oil contract with KBR, no other Army contracts awarded since 2001....contain indemnification provisions," McHugh wrote. "The Army has made no payments as a result of indemnification provisions with contractors supporting contingency operations in Iraq, Afghanistan or anywhere else."

In July, Blumenauer demanded the Army produce the contract after KBR's claims of immunity emerged in a U.S. District Court case in Portland. Chris Heinrich, a KBR attorney, said in a sworn deposition that after KBR signed its Restore Iraqi Oil contract and as the March 2003 invasion was taking place, he went to the Pentagon himself to demand immunity for KBR.

He told Army officials that KBR refused to do the restoration without "broad coverage." KBR required that taxpayers -- not the war contractor -- pay for any property damage, injury or death

at any KBR site. That applies even if the harm resulted from KBR negligence. KBR eventually billed the government \$2.5 billion for the work.

But it could cost taxpayers millions more. Dozens of National Guard soldiers from four states have sued **KBR** since 2008 claiming the contractor knowingly or negligently exposed them to a cancer-causing chemical at the Qarmat Ali water treatment plant. Among them: 26 **Oregon Army National Guard** soldiers who arrived at the Iraq plant in late May 2003. They claim breathing, stomach and skin issues result from their exposure to hexavalent chromium.

**Hexavalent chromium**

**Read The Oregonian's continuing coverage of the problems with Hexavalent Chromium.**

Blumenauer expressed disbelief that the specifics would remain classified -- even after combat operations ceased.

"Who is it precisely we're keeping information from?" he asked. "It appears the only reason to invoke this classification at this point is to keep information from the American public."

Blumenauer said he is drafting a bill requiring such an arrangement be reported to Congress in the future. "There ought to be someone looking over their shoulders."

Meanwhile, the National Guard soldiers' case is moving forward in Portland. Monday, U.S. District Magistrate Judge Paul Papak denied a KBR motion to dismiss.

Spokeswoman Heather Browne said KBR disagrees with the judge and may appeal. She restated KBR's stand that the Army was responsible for safety at the plant.

-- **Julie Sullivan**

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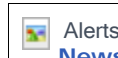
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
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