



J.R. Simplot Company
Simplot Headquarters
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208 336 2110

Michael Connett
Waters, Kraus & Paul
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El Segundo, CA 90245

Re: Subpoena directed to the J.R. Simplot Company
Food & Water Watch, et al. v. Environmental Protection Agency, et al.
Case No. 17-CV-02162-EMC

**DECLARATION OF ALAN L. PROUTY IN RESPONSE TO PLAINTIFF
FOOD & WATER WATCH'S SUBPOENA AND NOTICE OF TAKING
RULE 30(b)(6) DEPOSITION OF J.R. SIMPLOT COMPANY**

In the matter *Food & Water Watch, et al. v. U.S. Environmental Protection Agency, et al.*, Case No. 17-CV-02162-EMC.

1. I am Vice President, Environmental & Regulatory Affairs of J.R. Simplot Company (the "Company"). I make this Declaration based upon information known to me and the Company, and would testify to the following in deposition as the person designated by the Company under Rule 30(b)(6) of the Federal Rules of Civil Procedure, in response to the Subpoena and Notice of Deposition Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure (the "Notice"), were such a deposition to take place. In providing this Declaration, I have relied upon my own personal knowledge and on information provided by other representatives of the Company with knowledge of the subjects addressed in this Declaration. I believe based on the foregoing that the following information is accurate and correct.

2. The Company produces Hexafluorosilicic Acid (F_6H_2Si , CAS No. 1961-83-40), commonly known as Fluorosilicic Acid ("FSA"). FSA is a product from the process of making phosphoric acid from the mineral fluorapatite ($Ca_5(PO_4)_3F$) during production of phosphate fertilizer. FSA is made at the Company's wholly-owned subsidiary

manufacturing plant in Rock Springs, Wyoming. The Company does not produce any other FLUORIDATION CHEMICALS as that term is used in the Notice. All FSA produced by the Company is sold and distributed to a single distributor in liquid solution form, comprised of approximately a minimum concentration of 23% FSA and the balance comprising water. All FSA produced by the Company is regularly tested for and meets the American Water Works Association (AWWA) Standard B703-11 and the NSF/ANSI 60 Standard for fluorosilicic acid use in the treatment of potable water. The FSA product is certified by NSF, Inc. The NSF certification means that the product complies with all standard requirements. NSF conducts periodic unannounced inspections and product testing to verify that the product continues to comply with the standard.

3. In response to the Topics of Inquiry number 1, in calendar year 2012, the Company sold 16,211.13 tons of FSA. In calendar year 2013, the Company sold 14,003.75 tons of FSA. In calendar year 2014, the Company sold 17,233.36 tons of FSA. In calendar year 2015, the Company sold 21,748.55 tons of FSA. In calendar year 2016, the Company sold 22,463.62 tons of FSA. In calendar year 2017, the Company sold 25,790.08 tons of FSA.

4. In response to the Topics of Inquiry generally, the Company provides and relies upon the information contained in the Safety Data Sheet (SDS) for FSA, a copy of which is attached to this Declaration as **Exhibit A**. Further, the Company is aware of and relies upon the information provided by various information sources, including information on the fluoridation of water by the American Water Works Association, the Centers for Disease Control, and the National Research Council reports on fluoridation, including their 2006 report *Fluoride in Drinking Water: A Scientific Review of EPA's Standards*,

summarized by the CDC. Identification of the sources for such information and specifications are attached hereto as **Exhibit B**. These sources have information pertinent to the Topics of Inquiry.

5. In response to Topics of Inquiry number 2, **the Company has not performed independent testing or analysis to determine the potential for FSA to cause NEUROTOXIC EFFECTS.**

6. In response to Topics of Inquiry number 3, the Company has not undertaken any specific tests or analysis to determine the potential for FSA in the form or level it may be introduced in public drinking water to impair the function of the thyroid gland.

7. In response to Topics of Inquiry number 4, the Company has not conducted any independent tests or analysis to determine the potential for FSA in the form or level it may be introduced in public drinking water to harm **SUSCEPTIBLE SUBSETS OF THE POPULATION** as defined in the Notice.

8. In response to the Topics of Inquiry number 5, the Company has not conducted any independent tests or analysis to determine the daily dose of fluoride ion that will not cause **NEUROTOXIC EFFECTS**.

9. The Company has not taken a position on the daily dose of fluoride ion that will not cause **NEUROTOXIC EFFECTS**.

10. The Company has not taken a position on whether prenatal exposure to FSA at levels or in the form it may be introduced in a public water system provide a benefit to teeth.

11. The Company has not taken a position on whether exposure to FSA at levels or in the form it may be introduced in a public water system during the first six months of life provides a benefit to teeth from fluoride in potable drinking water.

I declare under penalty of perjury that the foregoing is true and correct and this Declaration was executed in Boise, Idaho, on the date stated.

DATED this 12 day of November, 2018.



Alan L. Prouty, Vice President
Environmental & Regulatory Affairs
J.R. Simplot Company

EXHIBIT A

Fluorosilicic Acid (FSA)

Safety Data Sheet

according to Federal Register / Vol. 77, No. 68 / Monday, March 26, 2012 / Rules and Regulations

SECTION 1: Identification

1.1. Identification

Product form : Substance
Substance name : Fluorosilicic Acid (FSA)
Chemical name : Hydro Fluorosilicic Acid (HSA)
Product code : M17200

1.2. Recommended use and restrictions on use

No additional information available

1.3. Supplier

JR Simplot Company
P.O. Box 70013
Boise, ID 83707
T 1-208-336-2110

1.4. Emergency telephone number

Emergency number : CHEMTREC 1-800-424-9300

SECTION 2: Hazard(s) identification

2.1. Classification of the substance or mixture

GHS-US classification

Corrosive to metals, Category 1	H290	May be corrosive to metals
Acute toxicity (oral), Category 4	H302	Harmful if swallowed
Skin corrosion/irritation, Category 1A	H314	Causes severe skin burns and eye damage

Full text of H statements : see section 16

2.2. GHS Label elements, including precautionary statements

GHS-US labelling

Hazard pictograms (GHS-US)



Signal word (GHS-US)

: Danger

Hazard statements (GHS-US)

: H290 - May be corrosive to metals
H302 - Harmful if swallowed
H314 - Causes severe skin burns and eye damage

Precautionary statements (GHS-US)

: P234 - Keep only in original container
P260 - Do not breathe dust/fume/gas/mist/vapours/spray
P264 - Wash hands, forearms and face thoroughly after handling
P270 - Do not eat, drink or smoke when using this product
P280 - Wear protective gloves/protective clothing/eye protection/face protection
P301+P312 - If swallowed: Call a poison center/doctor/... If you feel unwell
P301+P330+P331 - If swallowed: rinse mouth. Do NOT induce vomiting
P303+P361+P353 - If on skin (or hair): Take off immediately all contaminated clothing. Rinse skin with water/shower
P304+P340 - If inhaled: Remove person to fresh air and keep comfortable for breathing
P305+P351+P338 - If in eyes: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing
P310 - Immediately call a poison center/doctor/...
P321 - Specific treatment (see supplemental first aid instruction on this label)
P330 - Rinse mouth
P363 - Wash contaminated clothing before reuse
P380 - Absorb spillage to prevent material damage
P405 - Store locked up
P408 - Store in a corrosion resistant container with a resistant inner liner

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P501 - Dispose of contents/container to ...

2.3. Other hazards which do not result in classification

No additional information available

2.4. Unknown acute toxicity (GHS US)

Not applicable

SECTION 3: Composition/information on ingredients

3.1. Substance

Name : Fluorosilicic Acid (FSA)

Name	Product Identifier	%	GHS-US classification
hexafluorosilicic acid	(CAS No) 16981-83-4	100	Skin Corr. 1B, H314

Full text of hazard classes and H-statements : see section 16

3.2. Mixture

Not applicable

SECTION 4: First-aid measures

4.1. Description of first aid measures

- First-aid measures general : Never give anything by mouth to an unconscious person. If you feel unwell, seek medical advice (show the label where possible).
- First-aid measures after inhalation : Remove person to fresh air and keep comfortable for breathing. Remove victim to fresh air and keep at rest in a position comfortable for breathing. Immediately call a POISON CENTER or doctor/physician.
- First-aid measures after skin contact : Remove/Take off immediately all contaminated clothing. Rinse skin with water/shower. Immediately call a POISON CENTER or doctor/physician.
- First-aid measures after eye contact : Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. Immediately call a POISON CENTER or doctor/physician.
- First-aid measures after ingestion : Rinse mouth. Do NOT induce vomiting. Call a POISON CENTER or doctor/physician if you feel unwell. Immediately call a POISON CENTER or doctor/physician. Call a poison center or a doctor if you feel unwell.

4.2. Most important symptoms and effects (acute and delayed)

Potential adverse human health effects and symptoms : Based on available data, the classification criteria are not met. Harmful if swallowed.

Symptoms/injuries : Causes severe skin burns and eye damage.

Symptoms/injuries after ingestion : Swallowing a small quantity of this material will result in serious health hazard.

4.3. Immediate medical attention and special treatment, if necessary

Treat symptomatically.

SECTION 5: Fire-fighting measures

5.1. Suitable (and unsuitable) extinguishing media

Suitable extinguishing media : Foam. Dry powder. Carbon dioxide. Water spray. Sand.

Unsuitable extinguishing media : Do not use a heavy water stream.

5.2. Specific hazards arising from the chemical

Reactivity : The product is non-reactive under normal conditions of use, storage and transport.

5.3. Special protective equipment and precautions for fire-fighters

Firefighting instructions : Use water spray or fog for cooling exposed containers. Exercise caution when fighting any chemical fire. Prevent fire-fighting water from entering environment.

Protection during firefighting : Do not enter fire area without proper protective equipment, including respiratory protection. Do not attempt to take action without suitable protective equipment. Self-contained breathing apparatus. Complete protective clothing.

SECTION 6: Accidental release measures

6.1. Personal precautions, protective equipment and emergency procedures

6.1.1. For non-emergency personnel

Emergency procedures : Ventilate spillage area. Evacuate unnecessary personnel.

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6.1.2. For emergency responders

Protective equipment : Do not attempt to take action without suitable protective equipment. Equip cleanup crew with proper protection. For further information refer to section 8: "Exposure controls/personal protection".

Emergency procedures : Ventilate area.

6.2. Environmental precautions

Avoid release to the environment. Prevent entry to sewers and public waters. Notify authorities if liquid enters sewers or public waters.

6.3. Methods and material for containment and cleaning up

Methods for cleaning up : Take up liquid spill into absorbent material. Soak up spills with inert solids, such as clay or diatomaceous earth as soon as possible. Collect spillage. Store away from other materials. Absorb spillage to prevent material damage.

Other information : Dispose of materials or solid residues at an authorized site.

6.4. Reference to other sections

See Heading 8. Exposure controls and personal protection. For further information refer to section 13.

SECTION 7: Handling and storage

7.1. Precautions for safe handling

Additional hazards when processed : May be corrosive to metals.

Precautions for safe handling : Ensure good ventilation of the work station. Wear personal protective equipment. Wash hands and other exposed areas with mild soap and water before eating, drinking or smoking and when leaving work. Provide good ventilation in process area to prevent formation of vapour. Do not breathe dust/fume/gas/mist/vapours/spray. Avoid contact during pregnancy/while nursing.

Hygiene measures : Do not eat, drink or smoke when using this product. Wash hands, forearms and face thoroughly after handling. Always wash hands after handling the product.

7.2. Conditions for safe storage, including any incompatibilities

Technical measures : Comply with applicable regulations.

Storage conditions : Keep only in the original container in a cool, well ventilated place away from : Keep container closed when not in use. Store in a well-ventilated place. Keep cool.

Incompatible products : Strong bases. Strong acids.

Incompatible materials : Sources of ignition. Direct sunlight.

Packaging materials : Store in a corrosion resistant container with a resistant inner liner.

SECTION 8: Exposure controls/personal protection

8.1. Control parameters

hexafluorosilicic acid (16961-83-4)		
ACGIH	ACGIH TWA (mg/m ³)	2.5 mg/m ³

8.2. Appropriate engineering controls

Appropriate engineering controls : Ensure good ventilation of the work station.

Environmental exposure controls : Avoid release to the environment.

8.3. Individual protection measures/Personal protective equipment

Personal protective equipment:

Avoid all unnecessary exposure.

Hand protection:

Wear protective gloves

Eye protection:

Chemical goggles or face shield. Safety glasses

Skin and body protection:

Wear suitable protective clothing

Respiratory protection:

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Wear appropriate mask

Other information:

Do not eat, drink or smoke during use.

SECTION 9: Physical and chemical properties

9.1. Information on basic physical and chemical properties

Physical state	: Liquid
Appearance	: Clear, colorless to pale straw liquid.
Colour	: Colourless
Odour	: characteristic
Odour threshold	: No data available
pH	: 1
Melting point	: Not applicable
Freezing point	: No data available
Boiling point	: 105 °C
Flash point	: No data available
Relative evaporation rate (butylacetate=1)	: No data available
Flammability (solid, gas)	: Non flammable.
Vapour pressure	: No data available
Relative vapour density at 20 °C	: No data available
Relative density	: No data available
Solubility	: Soluble.
Log Pow	: No data available
Auto-ignition temperature	: No data available
Decomposition temperature	: No data available
Viscosity, kinematic	: No data available
Viscosity, dynamic	: No data available
Explosive limits	: No data available
Explosive properties	: No data available
Oxidising properties	: No data available

9.2. Other information

No additional information available

SECTION 10: Stability and reactivity

10.1. Reactivity

The product is non-reactive under normal conditions of use, storage and transport.

10.2. Chemical stability

Stable.

10.3. Possibility of hazardous reactions

Not established.

10.4. Conditions to avoid

Extremely high temperatures. Direct sunlight. Extremely high or low temperatures.

10.5. Incompatible materials

Alkalis. Chlorites. Combustible solids and organic peroxides. Strong acids. Strong bases. metals. May be corrosive to metals.

10.6. Hazardous decomposition products

Corrosive fumes of fluorides. fume. Carbon monoxide. Carbon dioxide. Thermal decomposition generates : Corrosive vapours.

SECTION 11: Toxicological information

11.1. Information on toxicological effects

Acute toxicity : Oral: Harmful if swallowed.

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Fluorosilicic Acid (FSA)	
LD50 oral rat	430 mg/kg
ATE US (oral)	430 mg/kg bodyweight

Skin corrosion/irritation	: Causes severe skin burns and eye damage. pH: 1
Serious eye damage/irritation	: Not classified pH: 1
Respiratory or skin sensitisation	: Not classified
Germ cell mutagenicity	: Not classified Based on available data, the classification criteria are not met
Carcinogenicity	: Not classified

hexafluorosilicic acid (16961-83-4)	
IARC group	3 - Not classifiable

Reproductive toxicity	: Not classified Based on available data, the classification criteria are not met
Specific target organ toxicity (single exposure)	: Not classified
Specific target organ toxicity (repeated exposure)	: Not classified
Aspiration hazard	: Not classified
Potential adverse human health effects and symptoms	: Based on available data, the classification criteria are not met. Harmful if swallowed.
Symptoms/injuries	: Causes severe skin burns and eye damage.
Symptoms/injuries after ingestion	: Swallowing a small quantity of this material will result in serious health hazard.

SECTION 12: Ecological information

12.1. Toxicity

Ecology - general	: The product is not considered harmful to aquatic organisms or to cause long-term adverse effects in the environment.
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hexafluorosilicic acid (16961-83-4)	
LC50 fish 1	> 10 mg/l (96 h; Brachydanlo rerio)
Threshold limit algae 1	10 mg/l (96 h; Scenedesmus quadricauda; Cell numbers)

12.2. Persistence and degradability

Fluorosilicic Acid (FSA)	
Persistence and degradability	Not established.
hexafluorosilicic acid (16961-83-4)	
Persistence and degradability	Biodegradability: not applicable. Reacts with water: release of toxic/harmful substances. No (test)data on mobility of the components available. Not established.
Biochemical oxygen demand (BOD)	Not applicable
Chemical oxygen demand (COD)	Not applicable
ThOD	Not applicable
BOD (% of ThOD)	Not applicable

12.3. Bioaccumulative potential

Fluorosilicic Acid (FSA)	
Bioaccumulative potential	Not established.
hexafluorosilicic acid (16961-83-4)	
Bioaccumulative potential	Not bioaccumulative. Not established.

12.4. Mobility in soil

No additional information available

12.5. Other adverse effects

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Effect on the global warming : No known effects from this product.
 GWPmix comment : No known effects from this product.

Other information : Avoid release to the environment.

SECTION 13: Disposal considerations

13.1. Disposal methods

Waste treatment methods : Dispose of contents/container in accordance with licensed collector's sorting instructions.
 Product/Packaging disposal recommendations : Dispose in a safe manner in accordance with local/national regulations. Dispose of contents/container to ...
 Ecology - waste materials : Avoid release to the environment.

SECTION 14: Transport information

Department of Transportation (DOT)

In accordance with DOT

Transport document description : UN1778 Fluorosilicic acid, 8, II
 UN-No.(DOT) : UN1778
 Proper Shipping Name (DOT) : Fluorosilicic acid
 Class (DOT) : 8 - Class 8 - Corrosive material 49 CFR 173.138
 Packing group (DOT) : II - Medium Danger
 Hazard labels (DOT) : 8 - Corrosive



DOT Packaging Non Bulk (49 CFR 173.300) : 202
 DOT Packaging Bulk (49 CFR 173.300) : 242
 DOT Special Provisions (49 CFR 172.102) : A6 - For combination packagings, if plastic inner packagings are used, they must be packed in tightly closed metal receptacles before packing in outer packagings.
 A7 - Steel packagings must be corrosion-resistant or have protection against corrosion.
 B2 - MC 300, MC 301, MC 302, MC 303, MC 305, and MC 306 and DOT 406 cargo tanks are not authorized.
 B15 - Packagings must be protected with non-metallic linings impervious to the lading or have a suitable corrosion allowance.
 IB2 - Authorized IBCs: Metal (31A, 31B and 31N); Rigid plastics (31H1 and 31H2); Composite (31HZ1). Additional Requirement: Only liquids with a vapor pressure less than or equal to 110 kPa at 50 C (1.1 bar at 122 F), or 130 kPa at 55 C (1.3 bar at 131 F) are authorized.
 N3 - Glass inner packagings are permitted in combination or composite packagings only if the hazardous material is free from hydrofluoric acid.
 N34 - Aluminum construction materials are not authorized for any part of a packaging which is normally in contact with the hazardous material.
 T8 - 4 178.274(d)(2) Normal..... Prohibited
 TP2 - a. The maximum degree of filling must not exceed the degree of filling determined by the following: (image) Where: tr is the maximum mean bulk temperature during transport, tf is the temperature in degrees celsius of the liquid during filling, and a is the mean coefficient of cubical expansion of the liquid between the mean temperature of the liquid during filling (tf) and the maximum mean bulk temperature during transportation (tr) both in degrees celsius. b. For liquids transported under ambient conditions may be calculated using the formula: (image) Where: d15 and d50 are the densities (in units of mass per unit volume) of the liquid at 15 C (59 F) and 50 C (122 F), respectively.
 TP12 - This material is considered highly corrosive to steel.

DOT Packaging Exceptions (49 CFR 173.300) : None
 DOT Quantity Limitations Passenger aircraft/rail (49 CFR 173.27) : 1 L
 DOT Quantity Limitations Cargo aircraft only (49 CFR 175.75) : 30 L
 DOT Vessel Stowage Location : A - The material may be stowed "on deck" or "under deck" on a cargo vessel and on a passenger vessel.
 Other information : No supplementary information available.

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TDG

Transport by sea

Air transport

SECTION 15: Regulatory information

15.1. US Federal regulations

Fluorosilicic Acid (FSA)

Not listed on the United States TSCA (Toxic Substances Control Act) inventory

All components of this product are listed, or excluded from listing, on the United States Environmental Protection Agency Toxic Substances Control Act (TSCA) inventory

15.2. International regulations

CANADA

No additional information available

EU-Regulations

No additional information available

National regulations

No additional information available

15.3. US State regulations

California Proposition 65 - This product does not contain any substances known to the state of California to cause cancer, developmental and/or reproductive harm

hexafluorosilicic acid (16981-83-4)

U.S. - New Jersey - Right to Know Hazardous Substance List

SECTION 16: Other information

Other information : None.

Full text of H-statements:

H290	May be corrosive to metals
H302	Harmful if swallowed
H314	Causes severe skin burns and eye damage

NFPA health hazard : 3 - Short exposure could cause serious temporary or residual injury even though prompt medical attention was given.

NFPA fire hazard : 0 - Materials that will not burn.

NFPA reactivity : 0 - Normally stable, even under fire exposure conditions, and are not reactive with water.



HMIS III Rating

Health : 3 Serious Hazard - Major injury likely unless prompt action is taken and medical treatment is given

Flammability : 0 Minimal Hazard - Materials that will not burn

Physical : 0 Minimal Hazard - Materials that are normally stable, even under fire conditions, and will NOT react with water, polymerize, decompose, condense, or self-react. Non-Explosives.

SDS US (GHS HazCom 2012)

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EXHIBIT B

REFERENCE DOCUMENTS

American Water Works Association. 2011. AWWA Standard, Fluorosilicic Acid. AWWA B703-11.

American Water Works Association. 2016. M4 Water Fluoridation Principles and Practices.

National Research Council. 2006. Fluoride in Drinking Water: A Scientific Review of EPA's Standards.

NSF International. 2016. NSF/ANSI 60 – 2016: Drinking Water Treatment Chemicals-Health Effects.

U.S. Public Health Service. 2015. U.S. Public Health Service Recommendation for Fluoride Concentration in Drinking Water for the Prevention of Dental Caries. Public Health Reports. Volume 130, p.318.