





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON D C 20460

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Mr Allen Blem Chemtura Corporation 199 Benson Road Middlebury Connecticut 06749

JUL 1 1 2012

Subject Product Name Thiram 480 DP

EPA Reg No 400 434 Submission date 4/26/2012 Resubmission date 5/22/2012

Label Amendment Add seed treatment uses to the Thiram 480 DP label and

update seed treatment rate and other changes

Decision Number 464774

Dear Registrant

The amended label referred to above submitted in connection with registration under the Federal Insecticide Fungicide and Rodenticide Act as amended is acceptable

One copy of the label stamped Accepted is enclosed for your records. This label supersedes all labels previously accepted for this product. Please submit one copy of the final printed label before the product is released for shipment.

If you have questions concerning this letter please call Banza Djapao at 703 305 7269 or via email at djapao banza@epa gov or you may call me at 703 305 6784

Sincerely

Marcel A Howard

Acting Product Manager 20

Fungicide Branch

Registration Division (7504P)

ACCEPTED

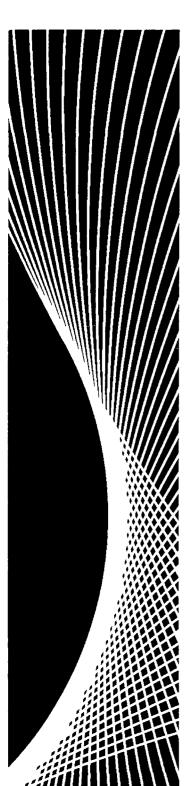
JUL 1 1 2012

Under the Federal Insecticide Fungicide and Rodenticide Act as amended for the pesticide registered under EPA Reg No

400-434

Net Contents

Thiram 480 DP



Turf Fungicide, Mammalian Repellent & Seed Treatment Fungicide

Intended for use by professional applicators only Not for sale or use by homeowners/consumers

Active Ingredient (% by weight) thiram (tetramethylthiuram disulfide)* Other Ingredients Total CAS No 137 26 8

58% 100%

42%**

Contains 4 pounds of thiram per gallon or 480 grams of thiram per liter

KEEP OUT OF REACH OF CHILDREN CAUTION

FIRST AID			
IF SWALLOWED	Call a poison control center or doctor immediately for treatment advice Have person sip a glass of water if able to swallow Do not induce vomiting unless told to do so by the poison control center or doctor Do not give anything by mouth to an unconscious person		
IF ON SKIN OR ON CLOTHING	Take off contaminated clothing Rinse skin immediately with plenty of water for 15 to 20 minutes Call a poison control center or doctor for treatment advice		
IF INHALED	Move person to fresh air If person is not breathing call 911 or an ambulance then give artificial respiration preferably by mouth to mouth if possible Call a poison control center or doctor for further treatment advice		
IF IN EYES	Hold eye open and rinse slowly and gently with water for 15 to 20 minutes Remove contact lenses if present after the first 5 minutes then continue rinsing eye Call a poison control center or doctor for treatment advice		

NOTETO PHYSICIAN No specific antidote is available Treat symptomatically in the presence of consumed alcohol thiram responds similarly to Disulfiram SYMPTOMS OF POISONING No specific symptoms Acute poisoning is accompanied by general depression and illness Consumption of alcoholic beverages with exposure to Thiram may cause flushing breathing difficulty nausea vomiting and low blood pressure

EPA REG NO 400 434 EPA EST NO

Chemtura AGROSOLUTIONS

Manufactured for Chemtura Corporation 199 Benson Road Middlebury CT 06749

www ChemturaAgroSolution com

EMERGENCY ASSISTANCE Have the product container or label with you when calling a poison control center or doctor or going for treatment

MEDICAL EMERGENCY 800 292 5898
TRANSPORTATION EMERGENCY (CHEMTREC) 800 424 9300
PRODUCT SAFETY DATA (MSDS) 866 430 2775

For PRODUCT USE INFORMATION Call 800 243 2850

PRECAUTIONARY STATEMENTS HAZARDS TO HUMANS AND DOMESTIC ANIMALS CAUTION

Harmful if swallowed Harmful if absorbed through skin Harmful if inhaled Avoid contact with eyes skin or clothing. Avoid breathing spray mist or vapor Prolonged or frequently repeated skin contact may cause allergic reactions in some individuals. Do not use or store near food or feed.

Routinely shower or bathe after work Consumption of alcoholic beverages increases the toxic effects of thiram

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Some materials that are chemical resistant to this product are made of any waterproof material. If you want more options follow the instructions for Category A on an EPA chemical resistance category selection chart.

Applicators and other handlers must wear

long sleeved shirt and long pants

shoes plus socks

chemical resistant gloves except when applying while driving motorized ground equipment

All mixers loaders applicators people participating in dip treatments and other handlers must wear. Long sleeved shirt and long pants shoes plus socks chemical resistant gloves except when applying while driving motorized ground equipment chemical resistant apron when mixing loading participating in dip treatments or cleaning up spills cleaning equipment or otherwise exposed to the concentrate

USER SAFETY REQUIREMENTS

Follow manufacturers instructions for cleaning/maintaining PPE If no such instructions for washables exist use detergent and hot water Keep and wash separately from other laundry

USER SAFETY RECOMMENDATIONS

Users should

Wash hands before eating drinking chewing gum using tobacco or using the toilet

Users should remove clothing/PPE immediately if pesticide gets inside

Remove PPE immediately after handling this product Wash the outside of gloves before removing. As soon as possible wash thoroughly and change into clean clothing

Endangered Species

This bag contains seed treated with Thiram This product may have effects on federally listed threatened or endangered species or their critical habitat in some counties. It is a violation of federal law to kill harm or harass listed animal species without authorization. To limit the potential for such impacts when using this product consult and follow the instructions provided in the EPA Endangered Species bulletin for the county or Parish in which you are applying the treated seed. To determine whether your county or Parish has a Bulletin consult http://www.epa.gov/espp.before.each.seasons.use.of.this product.

ENVIRONMENTAL HAZARDS

This pesticide product is **toxic to fish aquatic invertebrates oysters and shrimp** Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Drift and runoff from treated areas may be hazardous to aquatic organisms in neighboring areas. **Do not contaminate water when cleaning equipment or disposing of equipment washwaters or rinsate**

Treated seeds and bulbs are hazardous to fish birds and mammals Do not plant treated seeds or bulbs by broadcasting to the soil surface Ensure that all seeds and bulbs are thoroughly covered with soil especially in turn areas. If seeds or bulbs are not thoroughly incorporated by the planter during planting additional incorporation may be required to thoroughly cover exposed seeds or bulbs.

PHYSICAL OR CHEMICAL HAZARDS

Do not use or store near heat or open flame

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling

Read all label directions and precautions carefully before use Do not apply this product through any type of irrigation system Do not apply by air

Do not apply this product in a way that will contact workers or other persons either directly or through drift. Only protected han dlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard 40 CFR Part 170 This Standard contains requirements for the protection of agricultural workers on farms forests nurseries and greenhouses and handlers of agricultural pesticides. It contains requirements for training decontamination notification and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on this label about personal protective equipment (PPE) and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours

Exception Once treated seeds or bulbs are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area without restriction if there will be no contact with the treated seeds or bulbs.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated such as plants soil or water is coveralls shoes plus socks chemical resistant gloves made of any water proof material protective eyewear

NON AGRICULTURAL USE REQUIREMENTS

The requirements in this box apply to uses of this product that are NOT within the scope of the Worker Protection Standard for agricultural pesticides (40 CFR Part 170). The WPS applies when this product is used to produce agricultural plants on farms forests nurseries or greenhouses. Do not enter or allow others to enter the treated area until sprays have dried.

GENERAL INFORMATION

Thiram 480 DP may be used as a fungicide for the control of Snow Mold Brown Patch and Dollar Spot on turf or as a repellent for use in protecting trees shrubs and ornamental plants from rabbit deer and rodent depredation. Thiram 480DP may also be used as a liquid fungicide for the treatment of seeds (see the Treated Seed section of this label for uses).

Thiram 480 DP is a suspension concentrate which when mixed with water is used as a dip application for young plants or sprayed onto the turf or plant foliage using standard spray equipment. Thiram 480 DP can also be applied undiluted with a brush to stems and trunks of plants.

MIXING INSTRUCTIONS

THOROUGHLY MIX CONTENTS IN CONTAINER BEFORE USING Fill the spray tank with the required amount of water Then add the recommended amount of Thiram 480 DP to the spray tank Thiram 480 DP is a suspension type product therefore constant agitation during mixing and application is necessary to maintain a uniform solution. Be sure to reagitate solution if spraying is interrupted. Make up only as required. **Do not store overnight in the spray tank**

SPRAY DRIFT MANAGEMENT

Avoiding spray drift at the application site is the responsibility of the applicator. The interaction of many equipment and weather related factors determine the potential for spray drift. The applicator and the grower are responsible for considering all these factors when making decisions.

Apply only as a medium or coarser spray (ASAE standard 572) or a volume mean diameter of 300 microns or greater for spinning atomizer nozzles. Apply only when the wind speed is 2.10 mph at the application site. Do not apply with a nozzle height greater than 4 feet above the leaf canopy.

Do not apply this product using a high pressure hand wand or a rights of way sprayer

FOR DISEASE CONTROL ON GOLF COURSE TEES AND GREENS

Thiram 480 DP when used in conjunction with good turf manage ment will prevent and control Snow Mold Brown Patch and Dollar Spot on golf tees and greens

APPLICATION INSTRUCTIONS

Use enough water to spray or sprinkle the area thoroughly (usually 5 to 10 gallons per 1 000 square feet)

The maximum winter application rate for turf is a single application of 16 3 lbs ai/acre or 0 374 lbs ai/1000 sq. ft. The maximum summer application rate for turf is 3 applications of 10 2 lbs ai/acre or 0 234 lbs ai/1000 sq. ft. The maximum annual application rate is 47 lbs ai/acre or 1 08 lbs ai/1000 sq. ft.

USE RATE AND TIMINGS

Disease	Treatment Type	Rate of Thiram 480 DP/1000 sq. ft	
Snow Mold	Fall Application Spring Application	12 fluid ounces 4 5 fluid ounces	
	Apply as late in the Fall as possible prior to snowfall Follow with a Spring application as soon as snow melts		
Brown Patch Dollar Spot	Preventative Curative	4 5 fluid ounces 6 75 fluid ounces	
	Make regular spray applications at intervals of 14 days. When conditions are unusually favorable for the development of disease or when the disease active use the rate for curative treatment listed above. Begin sprays before the earliest probable appearance of the diseases and continue throughout the season. When a preventative schedule is not followed, the turf should be inspected each morning and treatment applied at first sign of disease. When treating golf greens, always treat aprons and approaches.		

NOTE Do not water or mow grass after treatment until the fungicide is thoroughly dry preferably 24 hours after application. Do not graze treated areas. Do not feed grass clippings to livestock

FOR USE AS A REPELLENT ON NON BEARING TREES SHRUBS NURSERY STOCK AND ORNAMENTALS

Thiram 480DP when used as directed protects non-bearing trees shrubs nursery stock and ornamentals from rabbit deer and rodent depredation. Repellency results from the distastefulness of treated plant parts.

One application will protect treated parts from 1 to 3 months depending on weather conditions. The addition of a latex type sticker as directed will prolong the residual effectiveness of the treatment.

MIXING INSTRUCTIONS

THOROUGHLY MIX CONTENTS OF CONTAINER BEFORE USING Fill the spray tank with required amount of water. Then add the recommended amount of Thiram 480 DP to the spray tank. Thiram 480 DP is a suspension type product, therefore constant agitation during mixing and application is necessary to maintain.

Mix only enough solution for immediate use as the solids will settle and are difficult to resuspend **Do not store overnight in the spray tank**

a uniform solution

Where a sticker is advised for prolonged retention use a suitable resin. Do not use wetting or spreading additives (surfactants) as severe crop injury may result

APPLICATION RECOMMENDATIONS

Do not apply to fruit trees or other plants with edible fruit that will bear fruit within one year of application

Apply Thiram 480 DP undiluted with a brush or diluted with water as a spray or dip Spray applications should be made with a hand wand sprayer to give a heavy coating to the twigs and foliage to be protected

The maximum application rate for product applied as a mammal (deer) repellant is one quart of product in 3 to 7 gallons of water applied in an area of 1000 square feet

Treat before expected time of animal damage Thoroughly cover area to a point well above the reach of animals

To permit repellent film to properly set application should be made under favorable drying conditions (relative humidity below 70%) and when the temperature is above 40 F

Thoroughly flush sprayer screens and nozzles promptly following use

NOTE Applications to ornamentals are restricted to the winter season (October through March) and to the states of CT DE IL IN MA MD MI MN NH NJ NY OH PA RI VT WI and WV

Brush on Coatings Apply Thiram 480 DP undiluted with a brush to stem parts and trunks to be protected. To increase residual beyond 3 months add a small amount (2% to 4%) of latex type sticker.

Spray Applications During the Growing Season Add 1 qt of Thiram 480 DP and 1 pt of latextype sticker to 7 qts of water Apply as a full coverage spray to the point of runoff to all portions of the plant to be protected. Repeat applications may be necessary to protect new growth. The use of the sticker is not necessary under low rainfall conditions or where repeat applications are needed to cover new growth.

Spray Application Tree Trunks or Dormant Plants Add 1 qt of Thiram 480 DP to 3 qts water Spray all portions of the plant to be protected to the point of runoff For longer protection add 1 pt of latex type sticker

Spray Application Dormant Apple Twigs for Protection from Deer Add 2 gals of Thiram 480 DP plus 1 gal of latex type sticker to 100 gals of water Apply as twig spray following leaf fall thor oughly wetting twigs to a height of 5 feet. This rate will also protect summer growth from deer nibbling. Higher rates of Thiram 480 DP may be needed under conditions of heavy deer pressure.

Dip Application Young nursery plants may be treated at the time of transplanting by dipping the tops in a solution prepared by mixing 1 qt of Thiram 480 DP plus 1 qt of latex type sticker in 2 qts of water

NOTE Seedlings treated with this product must bear distinct labeling that instructs

CAUTION Treated with thiram Wear rubber gloves and protective clothing when handling products treated with thiram Direct exposure to skin may result in severe dermatitis

ALWAYS SHAKE OR STIR THIS PRODUCT WELL BEFORE USE

TREATED SEED

Seeds or Bulbs that are treated with this product and are then packaged or bagged for future use by growers or researchers must contain the following labeling on the outside of the seed or bulb package or bag

This bag contains seeds or bulbs treated with thiram fungicide (Thiram 480 DP) When opening this bag or loading/pouring the treated seeds or bulbs wear long sleeved shirt long pants shoes socks and chemical resistant gloves

Treated seeds or bulbs Do Not Use for Food Feed or Oil Pur poses

Store treated seed away from food and feedstuffs

Do not allow children pets or livestock to have access to treated seeds

Treated seeds exposed on soil surface may be hazardous to wildlife Cover or collect treated seeds spilled during loading and planting

Dispose of all excess treated seed by burying seed away from bodies of water

Dispose of seed packaging or containers in accordance with local requirements

Endangered Species section of this label must be included on the seed tag

After the seeds or bulbs have been planted do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 24 hours. Exception Once the seeds or bulbs are planted in soil or other planting media, the Worker Protection Standard allows workers to enter the treated area with out restriction if there will be no worker contact with the seeds or bulbs.

Treated seeds or bulbs are hazardous to fish birds and mammals Do not plant treated seeds or bulbs by broadcasting to the soil surface. Ensure that all seeds or bulbs are thoroughly covered with soil especially in turn areas. If seeds or bulbs are not thoroughly incorporated by the planter during planting additional incorporation may be required to thoroughly cover exposed seeds or bulbs. Do not apply directly to water or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of planting equipment washwater or rinsate or by disposal of wastes.

Plantcotton wheat barley oats and sugar beet seed a minimum of 1 inch deep

Seeds or Bulbs that are treated with this product and are then packaged or bagged for future use by homeowners or other residential users must contain the following labeling on the outside of the seed or bulb package or bag

USE PRECAUTIONS AND RESTRICTIONS

This product does not contain dye and is not covered by an ap propriate tolerance tolerance exemption or other clearance under the Federal Food Drug and Cosmetic Act. To comply with 40 CFR 153 155, therefore all seed treated with this product must be colored with an EPA approved dye or colorant of a suitable color to prevent accidental use as food for man or feed for animals.

For Treatment of Coniferous Seed

Damping off protection Use 2 quarts of Thiram 480 DP per 100 pounds of seed. Slowly add to the seed while turning in a tumbler such as a concrete mixer. Tumble seed for approximately 2 minutes or until Thiram 480 DP is evenly distributed, and then spread coated seed on a screen to dry.

For the Treatment of Ornamental Bulbs Corms and Tubers

Treat any time after drying Dip in a suspension made by mixing 1 1/2 pints of Thiram 480 DP in 8 gallons of water Agitate the suspension. If bulbs are to be stored spread out to dry. Bulbs or tubers that are treated with this product must bear distinct labeling that instructs.

Cotton Seed The maximum thiram application rate for cotton seed is 1 6 oz ai/cwt (equivalent to 3 2 fl oz /cwt Thiram 480 DP) Plant treated cotton seed a minimum of 1 inch deep

Barley Seed Plant barley seed a minimum of 1 inch deep

Oat Seed Plant oat seed a minimum of 1 inch deep

Sugar Beet Seed Plant sugar beet seed a minimum of 1 inch deep

Wheat Seed Plant wheat seed a minimum of 1 inch deep

Onion Seed When 1.5 lbs ai/cwt is used the onion seed must undergo pelletized treatment

RECOMMENDATIONS FOR USE AS A COMMERCIAL SEED TREATMENT

Thiram 480 DP Fungicide is a liquid fungicide recommended for the treatment of seeds listed in the following table. Used according to directions. Thiram 480 DP will usually increase stands and yields by reducing losses from seed decay, damping off and seedling blights caused by many seedborne and soilborne organisms. Thiram 480 DP will usually control covered smuts or bunt of wheat barley and rye and covered kernel smut of sorghum and will usually prevent basal rot and decay of ornamental bulbs and tubers. Thiram 480 DP aids in the control of Alternaria and Phoma on canola. Thiram 480 DP aids in the control of seedborne conidia produced from the honeydew inoculum from field infection of Claviceps africana (ergot) on sorghum seed.

For Commercial Seed Treatment Apply with mechanical slurry or mist type seed treating equipment provided that the equipment is calibrated to accurately apply the product to seed For maximum effectiveness seed must be treated uniformly and covered thoroughly

If it is desirable to prepare slurries in large containers for addition to the slurry tank entire contents should be thoroughly agitated before withdrawing any of the slurry

SEEDS	Thiram 480 DP Treating Rate Fluid Ounces Per 100 pound Weight
Barley Millet Oats Rye Sorghum Triticale* Wheat	3 3/100 lbs
Beans (Lima) and Peas	3/100 lbs
Beans (Snap & Dry Cowpeas)	2/100 lbs
Broccoli Brussels Sprouts Cabbage Cauliflower Collards Kale Kohlrabi Mus tard Turnip	8/100 lbs
Beet (Garden) Swiss Chard	8/100 lbs
Canola	6 4/100 lbs
Cantaloupe Cucumber Pumpkın Squash Watermelon	4 5/100 lbs
Carrot Endive Lettuce Pep per Radish Spinach	8/100 lbs
Castor beans *	4 5/100 lbs
Chicory *	5 2/100 lbs
Corn (Field)	2 7/100 lbs
Corn (Sweet)	5/100 lbs
Cotton – acid – delinted	3/100 lbs
Cotton – reginned and fuzzy	3/100 lbs
Eggplant	6 5/100 lbs
Flax	5 0/100 lbs
Grasses	8/100 lbs
Okra	6/100 lbs
Onion	6/100 lbs
Ornamental flower seed	8/100 lbs
Peanuts*	3/100 lbs
Rice (see For the Treatment of Rice Seed in CA specific directions)	3 3/100 lbs
Safflower Sunflower	8 3/100 lbs
Sesame	3/100 lbs
Small seed legumes	8/100 lbs
Soybeans	2/100 lbs
Sugar beets	8/100 lbs
Tomato	6/100 lbs

Note In the treatment of peanuts do not dilute with water Not registered for use in California

7/7

For the Treatment of Rice Seed in California

Thiram 480 DP Fungicide is a liquid fungicide recommended for the treatment of rice seed in California. Used according to directions Thiram 480 DP will usually increase stands and yields by reducing losses from seed decay damping off and seedling blights caused by Seedborne and soilborne organisms.

Thiram 480 DP is recommended for use on well cured rice seed in California prior to pre plant soaking Thiram 480 DP should be used with water as a suspension in treaters suitable for adequate mixing and accurate application to the seed. If it is desirable to prepare slur ries in large containers for addition to treater tanks, entire contents should be thoroughly agitated before withdrawing any of the slurry for seed treatment.

How to Use Rice seed treatment in California

SLURRY TREATERS Treater Tank Concentration Mix 1 gallon of Thiram 480 DP with 1 gallon of water

MIST O MATIC TREATER Treater Tank Concentration Mix 1 gallon of Thiram 480 DP with 1 gallon of water

Application Rate

4fluid ounces per 100 pounds seed

Application Rate4fluid ounces per 100 pounds seed

Note To prevent water contamination in irrigation or drainage canals soak water should be retained in settling basins

STORAGE AND DISPOSAL

Do not contaminate water food or feed by storage or disposal

PESTICIDE STORAGE Store in original container only After partial use replace lid and close tightly to prevent evaporation Store in a secure place that is temperate dry and out of direct sunlight

PESTICIDE DISPOSAL Pesticide wastes are toxic Improper dis posal of excess pesticide spray mixture or rinsate is a violation of Federal Law If these wastes cannot be disposed of according to label instructions contact your State Pesticide or Environmental Control Agency or the Hazardous Waste representative at the nearest EPA Regional Office for guidance

CONTAINER DISPOSAL Nonrefilable container Do not reuse or refill this container Once cleaned some agricultural plastic pesticide containers can be taken to a container collection site or picked up for recycling To find the nearest site contact your chemical dealer or manufacturer or contact the Ag Container Recycling Council (ACRC) at 1 877 952 2272 (toll free) or www acrecycle org

For containers equal to or less than 5 gallons in size Triple rinse as follows Empty the remaining contents into application equipment or a mix tank and drain for 10 seconds after the flow begins to drip Fill the container ¼ full with water and recap Shake for 10 seconds Pour rinsate into application equipment or a mix tank or store rinsate for later use or disposal Drain for 10 seconds after the flow begins to drip Repeat this procedure two more times

If pressure rinsing Empty the remaining contents into ap plication equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip Hold container up side down over application equipment or mix tank or collect rinsate for later use or disposal Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds Drain for 10 seconds after the flow begins to drip

For containers greater than 5 gallons Triple rinse as fol lows Empty the remaining contents into application equipment or a mix tank Fill the container ¼ full with water Replace and tighten closures Tip container on its side and roll it back and forth ensuring at least one complete revolution for 30 seconds Stand the container on its end and tip it back and forth several times Turn the container over onto its other end and tip it back and forth several times Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal Repeat this procedure two more times

If pressure rinsing Empty the remaining contents into application equipment or a mix tank and continue to drain for 10 seconds after the flow begins to drip Hold container upside down over application equipment or mix tank or collect rinsate for later use or disposal Insert pressure rinsing nozzle in the side of the container and rinse at about 40 PSI for at least 30 seconds Drain for 10 seconds after the flow begins to drip

IMPORTANT NOTICE—Seller warrants that this product conforms to its chemical description and is reasonably fit for the purposes stated on the label when used in accordance with the directions and instructions specified on the label under normal conditions of use but neither this warranty nor any other warranty of mer chantability or fitness for a particular purpose express or implied extends to the use of this product contrary to label instructions or under conditions not reasonably foreseeable to seller and to the extent consistent with applicable law the buyer assumes the risk of any such use