

June 18, 2024

The Honorable Craig W. Butters  
Commissioner  
Utah Department of Agriculture and Food  
4315 South 2700 West  
TSOB South Building, Floor 2  
Taylorsville, UT 84129-2128

Dear Commissioner Butters:

On behalf of the Footwear Distributors & Retailers of America (FDRA), we write seeking clarification of the labeling requirements applicable to certain footwear components, specifically insoles or footbeds.

FDRA is the footwear industry's trade and business association, representing more than 500 footwear companies and brands across the U.S. This includes the majority of U.S. footwear manufacturers and over 95 percent of the industry. FDRA has served the footwear industry for 80 years, and our members include a broad and diverse cross section of the companies that make and sell shoes, from small family-owned businesses to global brands that reach consumers around the world.

It is the understanding of FDRA members who market footwear in Utah that, when the upper is quilted, the nature and weight of any filling found in other components – such as insoles and footbeds – must be disclosed. This is an onerous task since there are multiple fillers whose weights will vary by footwear size, meaning that a single shoe style will require multiple labels based on size.

As we understand it, the label requirement is limited, among other things, to “quilted clothing and filling material.” The components of concern are footbeds and insoles. They consist of a layer of materials (sometimes removable) shaped to the bottom of the foot, usually the material between the outer sole and the foot. The materials utilized in their construction include textile, rubber, plastic. A typical insole includes 61 percent Polyester Sheet, 27 percent Ethylene-Vinyl Acetate Foam, 12 percent Polyurethane Foam.

If the upper is not quilted, the labeling requirement is not applicable. This means the overwhelming majority of footwear sold in Utah is not subject to the requirement, even though virtually all will have the same footbeds or insoles found in footwear with quilted uppers.

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MATT PRIEST, President & CEO

200 Massachusetts Ave, NW, Suite 700, Washington, DC 20001 | p 202.737.5660 | f 202.638.2615 | [www.fdra.org](http://www.fdra.org)

The relevant regulations include the following provision:

R70-101-20. Products Not Intended for Use Subject to This Rule.(1) The Commissioner may exclude from this rule a textile fiber product:(a) that has an insignificant or inconsequential textile fiber content; or (b) if the disclosure of the textile fiber content is not necessary for the protection of the consumer.

Given that the great majority of footwear is not subject to the labeling requirement, it seems obvious that failure to disclose the fiber content of footbeds or insoles will not be a cause of potential danger to consumers.

Under the circumstances described here, the difficulties in labeling and the fact that the danger to consumers, if any, is severely limited, FDRA requests that the Department exclude footbeds and insoles from the labeling requirements.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Priest". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Matt Priest  
President & CEO  
Footwear Distributors & Retailers of America (FDRA)