



# Office of the State Epidemiologist Wyoming Department of Health

June 12, 1997

Dear Mr. Shakely:

I am responding to your letter requesting clarification of Wyoming policy requiring shoes be worn in food establishments. As I am sure you know, this has never been specifically spelled out in the FDA-recommended food codes which most states use to some degree when promulgating code for their state. Yet most states do require or recommend that shoes be worn by both workers and patrons.

In general, restaurant management make this a requirement (and have every right to do so, both for aesthetic reasons as well as for safety-liability reasons). Further, the public clearly expects such policies-- regardless of reason. From the health department perspective, such policies have (to my knowledge) never required enforcement in Wyoming, since restaurant management are generally all too happy to enforce such policies themselves. Should the health department do so, it would likely come under the general statutory authority of the State Health Officer to "enforce such sanitary standards for the protection of public health...." and to "certify, inspect and exercise sanitary control over all restaurants, cafes, bars, soda fountains and other eating and drinking establishments; (WS35-1-240 and others). Our justification for doing so would be largely related to hygiene and safety on the part of food handlers and safety on the part of the public. Granted, the argument for wearing shoes for hygienic reasons would be much weaker than, say requiring all patrons and workers to wear shirts. Safety issues could also be argued in terms of increased risk compared with the general outside environment. Nonetheless, the possibility of fall injuries as a result of food or beverage items spilled on floors, wet floors from cleaning and disinfection efforts and the possibility of cuts from broken glass would probably be sufficient to continue the requirement. However, as I suspect you are theorizing, the issue of requiring shoes is steeped in "tradition," based largely on aesthetic considerations and to my knowledge most states continue to either recommend food service enforcement of such policy or actively require it. Given that Wyoming has no real reason to divert from such policies, it would be my intention to continue a requirement that establishments ban workers and patrons from restaurants who are barefoot or who are not wearing a shirt at this time.

Sincerely,

Gayle L. Miller, DVM, MPH  
State Epidemiologist / Deputy State Health Officer

cc: Chuck Higgins, WY Dept. Of Agriculture  
Bill Letson, MD, State Health Officer  
Don Rolston, Director, Wy. Dept. Of Health