

SENATE BILL REPORT

2SHB 1551

As of February 19, 2024

Title: An act relating to reducing lead in cookware.

Brief Description: Reducing lead in cookware.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Pollet, Doglio, Fitzgibbon, Berry, Gregerson, Fosse and Bateman).

Brief History: Passed House: 2/13/24, 97-0.

Committee Activity: Environment, Energy & Technology: 2/20/24.

Brief Summary of Bill

- Restricts the manufacture, distribution, and sale of cookware containing lead at a level exceeding 5 parts per million (ppm) in the cookware or any component of the cookware.
- Authorizes the Department of Ecology (Ecology), in consultation with the Department of Health, to lower the 5 ppm limit, beginning in 2035, if determined to be feasible for manufacturers to achieve and necessary to protect human health.
- Authorizes Ecology to adopt rules, and prescribes penalties for violations of up to \$5,000 for an initial violation and \$10,000 for subsequent violations.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Adam Brunmeier (786-7357)

Background: Regulation of Lead in Consumer Products. State law restricts lead in various consumer products:

- under the Children's Safe Products Act, lead is restricted in children's products at a

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- level of 40 parts per million (ppm).
- lead wheel weights must be replaced with environmentally preferred wheel weights whenever tires are replaced or rebalanced.
- concentrations of lead, cadmium, mercury, and hexavalent chromium must not exceed a sum of 100 ppm in a package or packaging component.

Other state programs related to lead in the environment include provisions related to the recycling of lead-acid vehicle batteries, certification programs for persons performing lead-based paint abatement, and programs to limit the presence of lead in drinking water.

Pollution Control Hearings Board. The Pollution Control Hearings Board (PCHB) is an administrative hearings board which reviews certain decisions by state agencies and local governments. Aggrieved parties may petition the PCHB for appeal of decisions, such as the issuance of penalties, that fall within their jurisdiction.

Summary of Bill: Beginning January 1, 2026:

- manufacturers and wholesalers may not manufacture, distribute, or sell or offer for sale cookware or cookware components containing lead or lead compounds at a level exceeding 5 ppm; and
- retailers may not knowingly sell or knowingly offer for sale cookware or cookware components containing lead or lead compounds at a level exceeding 5 ppm.

These restrictions do not apply to sales of previously owned cookware in casual and isolated sales or by nonprofit organizations.

After December 2034, the Department of Ecology (Ecology), in consultation with the Department of Health, may lower the 5 ppm limit by rule if Ecology determines that a lower limit is feasible for cookware and cookware component manufacturers to achieve, and is necessary to protect human health, including the health of vulnerable populations.

Ecology may adopt rules pertaining to implementation, administration, and enforcement of restrictions on lead in cookware. Violations of requirements, rules, or orders are subject to civil penalties of up to \$5,000 for each violation for an initial offense, and \$10,000 for each repeat offense. Penalties and orders are appealable to the Pollution Control Hearings Board, and penalty collections are deposited into the Model Toxics Control Account.

A severability clause is included.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.