

# FINAL BILL REPORT

## 2SHB 1551

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Synopsis as Enacted

**Brief Description:** Reducing lead in cookware.

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

**House Committee on Environment & Energy**  
**House Committee on Appropriations**  
**Senate Committee on Environment, Energy & Technology**  
**Senate Committee on Ways & Means**

### **Background:**

#### Persistent, Bioaccumulative Toxins.

In 2006 the Department of Ecology (Ecology) adopted a rule under state hazardous waste laws outlining the processes it follows for efforts to reduce and phase out the uses, releases, and exposures to persistent, bioaccumulative toxins (PBTs). Persistent, bioaccumulative toxins are substances with toxic or harmful effects on people or animals that have a lengthy decomposition time in the environment and accumulate up the food chain in the bodies of organisms, including people. The PBT rule authorizes Ecology to develop a list of PBT substances, which is used to inform various Ecology activities, including monitoring, voluntary PBT phase-out and use-reduction efforts, and PBT public awareness activities. There are currently 18 individual chemicals and eight groups of chemicals on Ecology's PBT list, creating a total list of 74 PBT chemicals.

Ecology also uses the PBT list to identify and prioritize candidates for the development of chemical action plans (CAPs). In developing a CAP, Ecology works with an external advisory committee to evaluate the chemical's uses, releases, impacts, and management. The CAP process concludes with the issuance of a report with recommendations for how to reduce or manage certain uses of the PBT and encourage safer alternatives to the PBT. Chemical action plan processes have been initiated or completed for a number of chemical groups. A CAP for lead was completed in 2009.

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*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.*

### Safer Products for Washington.

As a result of legislation enacted in 2019, Ecology implements an administrative process that can result in the regulation of priority chemicals in priority consumer products. The program that Ecology implements in consultation with the Department of Health to carry out this process is known as the Safer Products for Washington Program. Under this process, certain chemicals were defined in statute as priority chemicals. Ecology is also authorized to designate additional chemicals as priority chemicals every five years if the chemicals meet qualifying criteria, consistent with a schedule established in the 2019 law. This process may result in Ecology restricting a priority chemical in a priority consumer product, after the adoption of rules.

### 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 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 appeals board with jurisdiction to hear appeals of certain decisions, orders, and penalties issued by Ecology and several other state agencies. Parties aggrieved by a PCHB decision may obtain subsequent judicial review. Penalties appealable to the PCHB must generally be imposed following standard general protocols, including that the penalty must be accompanied by a notice in writing describing the violation, and specifying when the penalty must be appealed or else becomes due and payable. With some exceptions, penalties that are appealable to the PCHB are credited to the State General Fund.

### **Summary:**

Beginning January 1, 2026:

- Manufacturers may not manufacture, distribute, or sell or offer for sale cookware or cookware components containing lead or lead compounds at a level exceeding 5 parts per million (ppm).
- Wholesalers and retailers may not knowingly sell or knowingly offer for sale cookware or cookware components containing lead or lead compounds at a level exceeding 5ppm.

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 the 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 collected penalties are deposited into the Model Toxics Control Account.

A severability clause is included.

**Votes on Final Passage:**

House	97	0	
Senate	47	0	(Senate amended)
House	96	0	(House concurred)

**Effective:** June 6, 2024