SHB 1756 - H AMD **335**
By Representative Street

NOT CONSIDERED 04/27/2025

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70A.565.010 and 2024 c 340 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Component" includes separate or distinct metal parts of the cookware including, but not limited to, accessories such as lids, knobs, handles and handle assemblies, griddles and other cooktop surfaces that touch food, rivets, fasteners, valves, and vent pipes. "Component" does not include inaccessible components of cookware or utensils.

(2)(a) "Cookware" means any metal pots, pans, bakeware, rice cookers, pressure cookers, utensils, and other containers and devices intended for the preparation or storage of food.

(b) "Cookware" does not include refrigerators or large appliances such as ranges that do not have metal surfaces intended for direct contact with food.

(3) "Department" means the Washington state department of ecology.

(4)(a) "Inaccessible component" means a part or a component of cookware that is located inside or is entirely enclosed with another material and is not capable of coming into contact with food or being accessed during the intended use of the product and its normal wear and tear.

(b) "Inaccessible component" does not apply to those components made of multiple testing layers serving distinct functions, such as aesthetics, heat conduction, durability, corrosion resistance, and optimal thickness in the final design component, and where one layer in this design is in direct contact with food during use, such as cooking pots and pans composed of multiple layers.

(5) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic distributor of a product sold or offered for sale in or into the state.

((~~(5)~~)) (6) "Utensils" means metal-containing items that are intended to directly contact food, such as knives, forks, spoons, spatulas, and other such food preparation tools.

(7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 2. RCW 70A.565.020 and 2024 c 340 s 2 are each amended to read as follows:

(1) Beginning January 1, 2026, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state cookware or a cookware component containing lead or lead compounds at a level of more than ((~~five~~)) 10 parts per million.

(2)(a) Beginning January 1, 2026, no retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state cookware, or a cookware component containing lead or lead compounds at a level of more than ((~~five~~)) 10 parts per million.

(b) Retailers or wholesalers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(c) The sale or purchase of any previously owned cookware or cookware components containing lead made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

(d) The requirements of this section do not apply to cookware or cookware components comprised exclusively of stainless steel.

(3) After December 2034, the department, in consultation with the department of health, may lower the ((~~five~~)) 10 part per million limit established in subsections (1) and (2) of this section by rule if it determines that the lower limit is:

(a) Feasible for cookware and cookware component manufacturers to achieve; and

(b) Necessary to protect human health, including the health of vulnerable populations.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.565 RCW to read as follows:

The department must develop guidance for manufacturers related to the requirements of this chapter that includes, at a minimum:

(1) Clarifying information to help manufacturers understand which products and product components are subject to lead restrictions and which products and product components are not; and

(2) An explanation of how the department will prioritize cookware for compliance testing. The guidance must specifically address compliance testing of cookware items containing an element or component of stainless steel."

Correct the title.

EFFECT: Exempts stainless steel cookware and cookware components from lead restrictions. Raises the allowable threshold for lead in cookware and cookware components from 5 parts per million to 10 parts per million. Directs the Department of Ecology to develop guidance for cookware manufacturers regarding lead in cookware restrictions.

--- END ---