ESSB 5975 - H COMM AMD

ADOPTED AND ENGROSSED 03/05/2026

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70A.565.010 and 2025 c 266 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)(a) "Aluminum or brass cookware" means the following items when made of brass or aluminum: (i) Pots((~~,~~)); (ii) pans((~~,~~)); (iii) kettles((~~,~~)); (iv) griddles((~~,~~)); (v) grills((~~,~~)); (vi) internal pots for devices such as rice cookers or pressure cookers((~~,~~)); and (vii) similar vessels or surfaces in or on which food is cooked.

(b) "Aluminum or brass cookware" does not include:

(i) Items with only an internal layer of aluminum or brass that is ((~~completely~~)) enclosed by stainless steel; or

(ii) The electrical components of electronic cooking devices and the body of electronic cooking devices with removable cooking containers, such as slow cookers, rice cookers, and pressure cookers.

(2) "Aluminum or brass cookware component" means cookware parts made of aluminum or brass such as lids, rivets, fasteners, valves, and vent pipes.

(3) "Aluminum or brass pots or pans" means a type of aluminum or brass cookware specified in subsection (1)(a)(i), (ii), or (vi) of this section.

(4) "Aluminum or brass utensils" means tools made from aluminum or brass such as knives, forks, spoons, spatulas, and similar tools used for preparing, serving, or eating food, unless ((~~completely~~)) enclosed by stainless steel.

((~~(4)~~)) (5) "Department" means the Washington state department of ecology.

((~~(5)~~)) (6)(a) "Intentionally added" means a chemical that serves an intended function in the final product or in the manufacturing of the product or part of the product.

(b) "Intentionally added" does not include chemicals present from the use of recycled materials.

(7) "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.

((~~(6)~~)) (8) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 2. RCW 70A.565.020 and 2025 c 266 s 2 are each amended to read as follows:

(1) Beginning January 1, 2027, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component containing lead that has been intentionally added.

(2)(a) Beginning January 1, 2026, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component containing lead or lead compounds at a level of more than((~~:~~

~~(a)~~)) 90 parts per million((~~, beginning January 1, 2026; and~~

~~(b) 10 parts per million, beginning January 1, 2028~~)), for items manufactured on or after January 1, 2026.

(b) Beginning January 1, 2030, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass pots or pans or aluminum or brass pot or pan components containing lead or lead compounds at a level of more than 50 parts per million, for items manufactured on or after January 1, 2030.

(c) Beginning January 1, 2034, no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass pots or pans or aluminum or brass pot or pan components containing lead or lead compounds at a level of more than 20 parts per million, for items manufactured on or after January 1, 2034. The department may exempt, as appropriate, cookware and cookware components from the restrictions in this subsection (2)(c), consistent with rules adopted under section 4 of this act.

((~~(2)~~)) (3)(a) No retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component containing lead or lead compounds at a level of more than((~~:~~

~~(i)~~)) 90 parts per million, beginning January 1, 2026((~~; and~~

~~(ii) 10 parts per million, beginning January 1, 2028~~)), for items manufactured on or after January 1, 2026.

(b) Beginning January 1, 2030, no retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state aluminum or brass pots or pans or aluminum or brass pot or pan components containing lead or lead compounds at a level of more than 50 parts per million, for items manufactured on or after January 1, 2030.

(c) Beginning January 1, 2034, no retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state aluminum or brass pots or pans or aluminum or brass pot or pan components containing lead or lead compounds at a level of more than 20 parts per million, for items manufactured on or after January 1, 2034. The department may exempt, as appropriate, cookware and cookware components from the restrictions in this subsection (3)(c), consistent with rules adopted under section 4 of this act.

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

((~~(c)~~)) (e) The sale or purchase of any previously owned aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass 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.

((~~(3) After December 2030, the department, in consultation with the department of health, may lower the 10 parts 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.~~))

(4) Nothing in this chapter limits the authority of the department with respect to lead in cookware, cookware components, or

utensils under chapter 70A.350 RCW. To the extent that there is any conflict, any regulatory determination made by the department under chapter 70A.350 RCW with regard to lead in aluminum or brass cookware, cookware components, or utensils supersedes the 90, 50, and 20 parts per million limits established in this section. A regulatory determination may, consistent with chapter 70A.350 RCW, apply to cookware, cookware components, or utensils that are excluded from the restrictions in this chapter.

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

As part of its implementation of this chapter, the department shall develop and make available guidance to manufacturers. The guidance must address, at a minimum, covered items, available test methods for determining total lead content, the department's approach to compliance, and the department's testing procedure for enforcement purposes. If available, the guidance should also include information about technical assistance.

NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.350 RCW to read as follows:

(1) For the purposes of the regulatory process established in this chapter, cookware containing lead is a priority consumer product. The department must evaluate lead in cookware as a priority product beginning with the June 1, 2029, review cycle established under RCW 70A.350.050(2)(b). For this priority product, the department must determine regulatory actions by June 1, 2032, and adopt rules to implement those regulatory determinations by June 1, 2033, consistent with the process established in RCW 70A.350.040 and 70A.350.050. In determining regulatory actions under this section, the department must:

(a) Adopt a lead limit of either 20 parts per million or the lowest lead limit that is feasible and available based on data obtained during the review;

(b) Consider to the extent feasible, the entire life of the cookware product, including when surfaces become damaged, scratched, or heavily used. The department may also consider end-of-life management and recyclability of the product; and

(c) Adopt, as appropriate, discrete exemptions from restrictions under this section applicable to categories of cookware, such as

noncooking surfaces, for which it is not feasible to comply with the requirements of this section or the 20 parts per million limit established in chapter 70A.565 RCW that takes effect January 1, 2034.

(2) The department may not, under subsection (1) of this section, adopt a restriction on aluminum or brass pots or pans or aluminum or brass pot or pan components at a level that is higher than 20 parts per million.

(3) The department must order cookware manufacturers to provide data regarding lead levels in their products, in accordance with RCW 70A.350.040(2), and to the extent practicable, make the data publicly available. Manufacturers that fail to comply with an order to provide data are subject to penalties pursuant to RCW 70A.350.070. In assessing a penalty, the department must consider each product covered by an order as a separate offense.

(4) For purposes of this section, "cookware" also includes cookware components and utensils."

Correct the title.

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