Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Environment & Energy Committee

HB 1756

Brief Description: Concerning lead in cookware.

Sponsors: Representatives Street, Fitzgibbon, Taylor, Berry, Scott, Parshley, Pollet, Zahn, Ramel, Ormsby, Macri and Reed.

Brief Summary of Bill

- Subjects utensils to upcoming lead content restrictions on certain cookware and cookware components
- Excludes inaccessible components and large appliances from lead content restrictions.
- Exempts manufacturers that are unintentionally noncompliant from lead in cookware restrictions, and allows the continued sale of cookware manufactured prior to 2026.

Hearing Date: 2/11/25

Staff: Srinandan Ramachandran (786-7291) and Jacob Lipson (786-7196).

Background:

Persistent, bioaccumulative toxins (PBTs) 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 Department of Ecology (Ecology) is authorized to develop a list of certain PBTs and develop Chemical Action Plans (CAPs) for listed PBTs to manage or reduce certain uses and encourage safer alternatives.

Furthermore, Ecology is authorized to regulate priority chemicals in certain priority consumer products in consultation with the Department of Health (DOH) through the Safer Products for

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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.

Washington program. Ecology may designate additional chemicals as priority chemicals every five years if the chemicals meet qualifying criteria consistent with a schedule established under the Safer Products for Washington program. This process may result in Ecology restricting a priority chemical in a priority consumer product after the adoption of rules.

State Restrictions on Lead.
Ecology has completed a CAP on lead, and lead is identified as a priority chemical under the Safer Products for Washington program.

Starting January 1, 2026 no manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in Washington cookware or cookware components that contain lead or lead compounds at a level exceeding 5 parts per million (ppm).

Furthermore, starting January 1, 2026 no retailer or wholesaler may knowingly sell or offer for sale in Washington cookware or cookware components that contain lead or lead compounds at a level exceeding 5 ppm. Retailers and wholesalers that unknowingly sell or offer for sale such products are not liable under this law. Moreover, the sale or purchase of used cookware or cookware components in casual or isolated sales, or by nonprofit organizations, are exempt from lead content restrictions.

After December 2034 Ecology may lower the 5 ppm lead limit in cookware and cookware components in consultation with the DOH if it is: (1) feasible for cookware and cookware component manufacturers to achieve; and (2) necessary to protect health. Ecology is authorized to adopt rules and prescribes penalties for violations of up to $5,000 for an initial violation and $10,000 for subsequent violations.

Summary of Bill:

The cookware components subject to lead restrictions starting January 1, 2026, are amended to:

- exclude inaccessible components;
    - inaccessible components are located inside or entirely enclosed with another material and incapable of coming out of the cookware or being accessed during any reasonably foreseeable use or abuse of the product; and
- include griddles and other cooktop surfaces that touch food.

The cookware subject to lead restrictions is changed to exclude large appliances, such as refrigerators and ranges.

The lead content restrictions on manufacturers are amended to prohibit manufacturers from knowingly selling, manufacturing, or knowingly offering for sale or for use in Washington cookware or cookware components manufactured after January 1, 2026, that contain lead or lead compounds at a level exceeding 5 ppm. Manufacturers that unknowingly violate this restriction are not liable under this law.

The lead restrictions on certain cookware and cookware components apply to utensils. Ecology may lower the 5-ppm lead limit for utensils in the same manner that applies to cookware and cookware components.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.