HOUSE BILL REPORT
HB 1756

As Reported by House Committee On:
Environment & Energy

Title: An act relating to lead in cookware.

Brief Description: Concerning lead in cookware.

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

Brief History:
Committee Activity:
Environment & Energy: 2/11/25, 2/18/25 [DPS].

Brief Summary of Substitute Bill

- Subjects metal-containing utensils to lead content restrictions on certain cookware and cookware components that take effect in 2026.
- Excludes refrigerators, large appliances that do not have metal surfaces intended for direct contact with food, and inaccessible cookware components from lead content restrictions.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Doglio, Chair; Hunt, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abbarno, Abell, Barnard, Berry, Duerr, Fey, Fitzgibbon, Kloba, Ley, Mena, Mendoza, Ramel, Stearns, Street, Stuebe, Wylie and Ybarra.

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

Background:

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.

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 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).

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. 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 Substitute Bill:

The restrictions applicable to lead-containing cookware starting January 1, 2026, are amended to:

- exclude inaccessible components from lead restrictions:
    - inaccessible components are located inside or entirely enclosed within another material and are incapable of coming out of the cookware or being accessed

during the intended use of the product and its normal wear and tear;
- include griddles and other cooktop surfaces that touch food;
- exclude refrigerators and large appliances that do not have metal surfaces intended for food contact; and
- apply to utensils in the same manner as cookware and cookware components.

Substitute Bill Compared to Original Bill:

Utensils are incorporated within the definition of cookware and are defined as metal-containing items that are intended to directly contact food.

Inaccessible cookware components are specified to not be capable of coming into contact with food or being accessed during the intended use of the product and its normal wear and tear. However, inaccessible components do not include components made of multiple testing layers serving distinct functions 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.

The following provisions of the 2024 lead in cookware law are restored:
- The liability of manufacturers that are unintentionally noncompliant with lead in cookware restrictions.
- The prohibition on the sale of cookware and cookware components with more than 5 parts per million (ppm) of lead after January 1, 2026, without regard to the date of product manufacture.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill addresses unintended consequences of previous lead regulations, which inadvertently affected large appliances. The law needs clarification to prevent lead exposure while ensuring practicality in implementation. The 5 ppm standard is unduly difficult for producers of large appliances to meet, as many metals naturally contain lead. It also has the effect of benefiting the plastic industry. Moreover, the 5 ppm lead standard may not accurately reflect actual lead migration into food, and other methods, such as acetic acid tests, may be a more accurate indicator.

(Opposed) The Department of Ecology would appreciate clarity to better implement

standards, but it is important to reiterate that there is no safe level of lead exposure. The 5 ppm standard should not be relaxed. Keeping liability for manufactures incentivizes compliance. The solution is to develop alternatives in the manufacturing process in lieu of using lead.

(Other) It is important to prevent lead exposure, but current standards are not feasible to implement and harm both manufacturers and consumers of large appliances. Lead exposure is already heavily regulated in the United States, and the 5 ppm standard may not accurately reflect lead migration into food.

Persons Testifying: (In support) Representative Chipalo Street, prime sponsor; Charles Souhrada, North American Association of Food Equipment Manufacturers (NAFEM); Kevin Messner, Association of Home Appliance Manufacturers; Charlie Brown, Association of Home Appliance Manufacturers; Crystal Leatherman, Washington Retail Association; and Peter Godlewski, Association of Washington Business.

(Opposed) Monica Ayers, King County, Hazardous Waste Management Program; and Nick Federici, Toxic Free Future.

(Other) Kimberly Goetz, Department of Ecology; and Cosan Unuvar, Cookware Sustainability Alliance.

Persons Signed In To Testify But Not Testifying: None.