Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Environment & Energy Committee

ESSB 5975

Brief Description: Providing consumer access to safe cookware and interstate and international trade certainty in the regulation of lead in cookware.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Harris, Cleveland and Hasegawa).

Brief Summary of Engrossed Substitute Bill

- Amends the standards that restrict lead content in aluminum or brass cookware, cookware components, and utensils, and excludes certain products from lead content restrictions.
- Identifies cookware containing lead as a priority consumer product for purposes of the Safer Products for Washington Program, and requires the Department of Ecology to determine regulatory actions and adopt rules for lead in cookware by June 1, 2032.

Hearing Date: 2/23/26

Staff: Jacob Lipson (786-7196).

Background:

Beginning January 1, 2026, aluminum or brass cookware, cookware components, and utensils (covered aluminum or brass cookware) must not contain lead at a level of more than 90 parts per million. Beginning January 1, 2028, the allowable levels of lead in these products will drop to 10 parts per million. These restrictions apply to the manufacture, sale, and distribution of covered aluminum or brass cookware by manufacturers, and to the knowing sale by retailers and wholesalers of covered aluminum or brass cookware. The sale or purchase of used covered aluminum or brass cookware in casual or isolated sales, or by nonprofit organizations, is exempt

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from lead content restrictions. Lead content restrictions do not apply to items with only an internal layer of aluminum or brass that is completely enclosed by stainless steel, or to the body of electronic cooking devices with removable cooking containers. Beginning after December 2030, the Department of Ecology (Ecology), in consultation with the Department of Health, may adopt rules to lower the 10 parts per million limit for lead in covered aluminum or brass cookware.

The Safer Products for Washington Program (Safer Products) is a five-year cyclical administrative process for the regulation by Ecology of priority chemicals in priority consumer products, in consultation with the Department of Health. Under Safer Products, Ecology, in consultation with the Department of Health:

- identifies priority chemicals, in addition to those the Legislature has previously designated as priority chemicals;
- identifies priority consumer products that include priority chemicals; and
- determines one of the following three regulatory actions for the priority chemicals in priority consumer products: (1) that no action is needed; (2) to require manufacturers to provide notice of the use of a chemical; or (3) to restrict or prohibit the manufacture, distribution, sale, or use of a priority chemical in a consumer product.

Under Safer Products, Ecology has the authority to demand certain types of information about priority chemicals in priority consumer products.

In 2024, Ecology identified lead as a priority chemical for purposes of Safer Products but has not currently identified cookware as a priority consumer product for lead. The authority of Ecology under Safer Products with respect to lead in cookware, cookware components, or utensils is not limited by the statutory restrictions on lead in covered aluminum or brass cookware.

Summary of Bill:

The covered aluminum or brass cookware subject to lead content restrictions is narrowed to exclude:

- items with an internal layer of aluminum or brass that is partially but not completely enclosed by stainless steel; and
- the electrical components of electronic cooking devices.

Beginning January 1, 2027, manufacturers may not sell, offer for sale, or distribute for sale or use in Washington covered aluminum or brass cookware that contains lead that has been intentionally added. Intentionally added lead serves an intended function in a final product or in the manufacturing of a product or part of a product, but does not mean lead that is present from the use of recycled materials.

The scheduled 2028 reduction in the allowable levels of lead in covered aluminum or brass cookware from 90 parts per million to 10 parts per million is canceled. The provision authorizing Ecology to adopt a lead limit lower than 10 parts per million after December 2030 is

eliminated. The 2026 lead limit of 90 parts per million in covered aluminum or brass cookware is specified to apply to items manufactured on or after January 1, 2026. As part of Ecology's implementation of restrictions on lead in covered aluminum or brass cookware, Ecology must develop and make available guidance to manufacturers that addresses covered items, available test methods for determining total lead content, Ecology's compliance approach, and Ecology's testing procedure used for enforcement.

Under Safer Products, cookware containing lead is designated as a priority consumer product. Ecology must evaluate lead in cookware as a priority product beginning in the June 1, 2029, Safer Products review cycle, and must determine regulatory action and adopt rules by June 1, 2032. Ecology must determine regulatory actions that either adopt a lead limit of 10 parts per million, or the lowest lead limit that is feasible and available based on data obtained during Safer Products review. Ecology must consider the entire life of the cookware product to the extent feasible, and may consider end-of-life management and recyclability. Consistent with its authority under Safer Products, Ecology must order cookware manufacturers to provide Ecology with data regarding lead levels in products. Manufacturers that fail to comply are subject to penalties under Safer Products. Regulatory determinations made by Ecology under Safer Products with regard to lead in aluminum or brass cookware, cookware components, or utensils supersede the 90 parts per million lead limit on covered aluminum or brass cookware.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 20, 2026.

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