HOUSE BILL REPORT
ESSB 5975

As Passed House - Amended:
March 5, 2026

Title: An act relating to providing consumer access to safe cookware and interstate and international trade certainty in the regulation of lead in cookware.

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 History:
Committee Activity:
Environment & Energy: 2/23/26, 2/24/26 [DPA].
Floor Activity:
Passed House: 3/5/26, 86-10.

Brief Summary of Engrossed Substitute Bill
(As Amended by House)

- 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 for lead in cookware by June 1, 2032, and adopt rules by June 1, 2033.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: Do pass as amended. Signed by 18 members: Representatives Doglio,

---

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.

Chair; Hall, Vice Chair; Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abbarno, Abell, Berry, Duerr, Fey, Kloba, Ley, Mena, Mendoza, Ramel, Street, Stuebe, Wylie and Ybarra.

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 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. Ecology 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 Amended 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 include chemicals 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.

Beginning January 1, 2030, a lead limit for aluminum or brass pots or pans of 50 parts per million is established. Beginning January 1, 2034, the lead limit for aluminum or brass pots or pans drops to 20 parts per million. Pots or pans are specified to include certain types of cookware, including internal pots for devices such as rice cookers or pressure cookers.

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. Cookware includes cookware components and utensils. 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 by June 1, 2032, and adopt rules by June 1, 2033. Ecology must determine regulatory actions that either adopt a lead limit of 20 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.

Under rules adopted under Safer Products, Ecology may exempt cookware and cookware components from the statutory 20 parts per million lead limits. As appropriate, Ecology must adopt discrete exemptions under Safer Products for categories of cookware, such as noncooking surfaces, for which it is not feasible to meet the 2034 limits of 20 parts per million for lead in aluminum or brass pots and pans. Ecology may not adopt restrictions on aluminum or brass pots or pans or their components at a level higher than 20 parts per million.

Regulatory determinations made by Ecology under Safer Products with regard to lead in covered aluminum or brass cookware supersede the 90, 50, or 20 parts per million lead limit on covered aluminum or brass cookware, to the extent that there is any conflict between statutory limits and Safer Products rules. Regulatory determinations may apply to cookware, cookware components, and utensils that are excluded from statutory limits on lead in cookware.

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.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The guidance developed by Ecology for manufacturers will provide regulatory clarity regarding test methods used to determine cookware compliance with lead limits. Using the Safer Products process will allow careful, data-based consideration of what lead limits are feasible to mandate, and what specific cookware components or circumstances will merit an exclusion from lead limits. Ecology is well-suited to carefully establish lead requirements, and the Safer Products process is preferable to the Legislature attempting to set statutory lead limits without the expertise to do so. By using the existing Safer Products regulatory process, the fiscal impacts of the bill are minimized. Cookware is generally safe and capable of meeting strict lead limits, but supply chain variability can make certifying lead content challenging. Ensuring that state law sets achievable standards will ensure that there are not undesirable supply chain disruptions for pots, pans, and other cookware that residents and businesses need in order to cook food.

(Opposed) The version of the bill passed by the Senate is insufficiently protective of public health, but the proposed striking amendment makes improvements. Lead is a toxic substance that lowers intelligence and causes behavioral issues. Last year the Legislature narrowed and softened the original restrictions on lead in cookware, including by exempting certain materials. Extensive testing has indicated that the majority of machined cookware can meet a lead standard of below 10 parts per million. Low-lead cookware is available at a variety of price points, and it is technically feasible and commercially available. Cast aluminum is the category of cookware that has the most difficulty in meeting lead limits. Many people, through normal use of their cookware, scratch off the non-stick coatings of cookware, and it is thus important to ensure that all layers of cookware do not have high

levels of lead. People do not want to eat out of cookware that contains lead.

(Other) Lead poisoning is common and preventable. There are no safe levels of lead. Certain populations face higher lead risk exposures. The proposal is compatible with the existing Safer Products process, while also putting in place lower lead limits for pots and pans before any additional regulations take effect through Safer Products. Safer Products will allow Ecology and the Department of Health to demand and review data from cookware manufacturers, in support of regulatory decisions. The proposed striking amendment would achieve a durable balance that has strong protections for public health and the environment, and would be achievable by businesses. The Safer Products process is proven to work, and includes opportunities for legislative review of regulatory decisions by the state agencies.

Persons Testifying: (In support) Senator Paul Harris, prime sponsor; Molly Pfaffenroth, Washington Food Industry Association; Kerry Dolan, Washington Hospitality Association; Charlie Brown, Assn Home Appliance Manufacturers and Cookware Sustainability Alliance; Dean Tryon, Wood Stone Corp.; Jacob Cassady, Association of Home Appliance Manufacturers (AHAM); Crystal Leatherman, Washington Retail Association; Charlie Souhrada, North American Association of Food Equipment Manufacturers (NAFEM); and Peter Godlewski, Association of Washington Business.

(Opposed) Matthew Weintraub, King County Hazardous Waste Management Program; Heather Trim, Zero Waste Washington; Nick Federici, Toxic Free Future; and Ann Murphy, League of Women Voters of Washington.

(Other) Holly Davies, Washington State Department of Health; and Katrina Lassiter, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.