

SENATE BILL REPORT

SB 5628

As Reported by Senate Committee On:
Environment, Energy & Technology, February 18, 2025

Title: An act relating to lead in cookware.

Brief Description: Concerning lead in cookware.

Sponsors: Senators Harris, Shewmake, Hasegawa, Stanford, Trudeau and Valdez.

Brief History:

Committee Activity: Environment, Energy & Technology: 2/11/25, 2/18/25 [DPS-WM].

Brief Summary of First Substitute Bill

- Clarifies the definitions of component and cookware to specify that inaccessible components and large appliances are not included.
- Adds utensils as items subject to the lead in cookware standards.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Boehnke, Ranking Member; Dhingra, Harris, Liias, Lovelett, MacEwen, Ramos, Short and Wellman.

Staff: Alicia Kinne-Clawson (786-7407)

Background: In 2024, the Legislature adopted restrictions on the use of lead in cookware. Beginning January 1, 2026:

- manufacturers and wholesalers may not manufacture, distribute, or sell or offer for sale cookware or cookware components containing lead or lead compounds at a level

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- exceeding five parts per million (ppm); and
- retailers may not knowingly sell or knowingly offer for sale cookware or cookware components containing lead or lead compounds at a level exceeding five ppm.

These restrictions do not apply to sales of previously owned cookware in casual and isolated sales or by nonprofit organizations.

Summary of Bill (First Substitute): The cookware subject to lead restrictions beginning January 1, 2026 does not include refrigerators or large appliances that do not have metal surfaces intended for direct contact with food.

Cookware components that are subject to lead restrictions include griddles and other cooktop surfaces that touch food. Components do not include inaccessible components which are defined to include a part or component of cookware that is located inside or is entirely enclosed with another material and is not capable of coming into contact with food or being accessed during the intended use of the product. The lead restrictions on certain cookware and cookware components apply to utensils.

EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):

- Incorporates utensils in the definition of cookware and specifies that utensils are metal tools intended to directly contact food.
- Specifies that cookware does not include large appliances that do not have metal surfaces intended for direct contact with food.
- Requires that inaccessible cookware components must not be capable of coming into contact with food.
- Strikes changes to manufacturer liability.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: I don't think any of the legislators intended to say that internal components would be restricted under this bill. It turns out lead really is ubiquitous and in every piece of cookware that is out there. King County tested about 45 pieces of cookware and nearly all tested positive. Please keep this bill alive. Without it we won't be able to sell metal cookware of any kind. We need to ensure that when you test cookware, that you are testing to see if any lead gets into the food that you

cook. This depends on the chemical compounds. Because there is no safe level of lead, Ecology did support the bill last year. We did realize that there is more nuance here than we anticipated. We are working with stakeholders. This bill is necessary to clarify the law that was passed. It's also important to clarify how the regulatory community is to verify the lead value. The bill that passed last has some significant concerns but this is a step in the right direction. When you look at other regulatory bodies, they adopt a migration based standard.

CON: This bill weakens the protection of the original bill. This would mean that consumers could continue to purchase lead cookware. This bill also releases manufacturers from liability and creates no incentive for them to comply. This bill would weaken the protections in the bill and allow for the sale of lead cookware indefinitely. We are concerned about the bill as drafted. We think it is backsliding.

OTHER: We want to recommend a change to set a limit on how much lead consumers are exposed to when cooking. What matters is measuring exposure. This act breaks from that precedent. We should focus on migration from food contact surfaces. The vast majority of cookware cannot meet this standard at practically achievable limits.

Persons Testifying: PRO: Senator Paul Harris, Prime Sponsor; Kevin Messner, Association of Home Appliance Manufacturers; Charlie Brown, Association of Home Appliance Manufacturers; Charles Souhrada, North American Association of Food Equipment Manufacturers (NAFEM); Crystal Leatherman, Washington Retail Association; Peter Godlewski, Association of Washington Business.

CON: Monica Ayers, King County, Hazardous Waste Management Program; Reza Pedram; Heather Trim, Zero Waste Washington.

OTHER: Kimberly Goetz, Department of Ecology; Cosan Unuvar, Cookware Sustainability Alliance.

Persons Signed In To Testify But Not Testifying: No one.