SENATE BILL REPORT
ESSB 5975

As Amended by House, 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 & Technology: 1/14/26, 2/03/26 [DPS-WM, w/oRec].

Ways & Means: 2/06/26, 2/09/26 [DPS (ENET), w/oRec].

Floor Activity: Passed Senate: 2/17/26, 42-7.

Passed House: 3/5/26, 86-10.

Brief Summary of Engrossed First Substitute Bill

- Specifies that aluminum or brass cookware, utensils, or components cannot be sold or distributed if lead was intentionally added.
- Adds lead in cookware as a priority product under Safer Products and provides for evaluation beginning in the 2029 review cycle.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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

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.

Minority Report: That it be referred without recommendation.
Signed by Senators Lovelett and MacEwen.

Staff: Alicia Kinne-Clawson (786-7407)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5975 as recommended by Committee on Environment, Energy & Technology be substituted therefor, and the substitute bill do pass.
Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Braun, Cleveland, Conway, Dhingra, Hansen, Hasegawa, Kauffman, Pedersen, Riccelli, Wagoner, Warnick, Wellman and Wilson, C..

Minority Report: That it be referred without recommendation.
Signed by Senators Muzzall and Saldaña.

Staff: Jed Herman (786-7346)

Background: In 2024, the Washington State Legislature passed the Cookware Containing Lead law which prohibited the sale of cookware containing lead or lead compounds at concentrations greater that five parts per million (ppm). In 2025, this law was amended to apply to certain types of aluminum or brass cookware, cookware components, and utensils.

The allowable threshold for lead in cookware was modified in 2025 from 5 ppm to 90 ppm beginning January 1, 2026. The allowable lead threshold decreases to ten ppm beginning January 1, 2028.

The Department of Ecology (Ecology), in consultation with the Department of Health, may lower the ten ppm limit for lead in cookware beginning after December 2030.

The federal Food and Drug Administration (FDA) monitors levels of lead in foods and leachable lead levels in cookware. There are no FDA regulations that authorize lead for use as a color additive or food additive—including as a component of foodware, cookware, or food contact surfaces. In order to protect public health, FDA monitors levels of lead in foods and leachable lead levels in cookware.

Summary of Engrossed First Substitute Bill: The definition of covered cookware is modified to exclude the electrical components of electronic cooking devices.

Beginning January 1, 2027, no manufacturer may sell, offer for sale, distribute for sale, or distribute for use aluminum or brass cookware, utensils, or cookware components that contain lead which was intentionally added.

The 90 parts per million lead level limit is applicable to cookware manufactured on or after January 1, 2026. The 10 parts per million lead content standard is eliminated.

Ecology must develop and make available guidance to manufacturers regarding covered items, testing methods, compliance, and enforcement.

Safer Products. Cookware containing lead is added as a priority product under the Safer Products program beginning with the June 1, 2029 review cycle. Ecology must adopt a lead content standard that is either ten parts per million of the lowest lead limit that is feasible. In evaluating cookware as a priority product, to the extent feasible, Ecology must consider the entire lifecycle of the product, including when surfaces become damaged, scratched, or heavily used. Ecology may also consider the end-of-life management and recyclability of the product.

Ecology may order cookware manufacturers to submit data on lead levels in their products. To the extent practicable, Ecology must make the data publicly available. Manufacturers that fail to comply may be subject to per product penalties.

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 (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: There's many manufacturers who are confused about how the existing law would be enforced. There is continued uncertainty for the industry about how to comply. Our basic goal is to end up with a proposal that gets the bad products off the market. The changes made in 2025 help. We come to you today in support of this measure because it will continue to prevent the sale and use of cookware that is exposing consumers to lead. The FDA has recalled products that are dangerous. The key issue here is there is no test method that has been put forward by Ecology or public health for how manufacturers can demonstrate compliance. This bill changes the date of sale to date of manufacture. The prior bill did not go far enough to address the concerns of industry. Specifically, we have concerns about the testing and lead content requirements. As written, the current law departs from science based standards nationwide. Through enforcement, there is not currently a test that can evaluate compliance with the law. The current law creates a lot of enforcement risk. We recommended adding the banned cookware from the FDA to the bill. We think the law in Minnesota is a good model.

CON: Washington's current law is the most health protective in the nation. This bill weakens those protections. In practice, language allowing incidental lead amounts exempts all cookware. This delays protective requirements. People do not want lead in their cookware. Lead is dangerous. Cookware that has been used, with scratched coatings, has a higher likelihood for exposing people to lead content then the new cookware that is being tested. We don't think this bill provides consumer access to safe cookware. The current bill that is being proposed changes the law to allow trace amounts of lead which removes important protections. Lead-free cookware already exists and is affordable. Leach testing is insufficient to evaluating existing lead content.

OTHER: Ecology believe this bill eliminates consumer protections that the Legislature adopted. The new requirements took effect earlier this month. We think it's important to allow the law to take effect. We believe the law as written would exempt basically all cookware for sale by section 1(4). That includes cookware that we know contained dangerous levels of lead. We are concerned that the wide ranging exclusions run counter to the Legislatures goals.

Persons Testifying (Environment, Energy & Technology): PRO: Senator Paul Harris, Prime Sponsor; Charlie Brown, Assn. of Home Appliance Manufacturers and Cookware Sustainabiity Alliance; Jacob Casssady, Association of Home Appliance Manufacturers; Steve Burns, Cookware Sustainability Alliance; Molly Pfaffenroth, Washington Food Industry Association; Crystal Leatherman, Washington Retail Association; Peter Godlewski, Association of Washington Business.

CON: Katie Fellows, Hazardous Waste Management Program; Tom Neltner, Unleaded Kids; Tamara Rubin, Lead Safe Mama, LLC; Carissa Burk; Nick Federici, Toxic Free Future; Heather Trim, Zero Waste Washington.

OTHER: Holly Davies, Department of Health; Kimberly Goetz, Department of Ecology.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: This bill addresses concerns that resulted from legislation that passed two years ago. We appreciate the progress on this issue but we think that the prior bill did not go far enough to address industry concerns regarding the ten parts per million limit and the lack of available testing. The ten part per million lead limit is very stringent and is impacting the ability to sell common kitchen products and limiting the use of basic kitchen tools to prepare goods in bakeries and delis. Products are currently tested for lead exposure. We are asking that the Department of Ecology be given authority to implement a regulatory structure through the Safer Products Act in order to address industry concerns.

CON: There is no safe level of lead and this bill adds six more years of exposure to toxic metal. The ten part per million standards was a compromise. Lead poisoning is harmful to

the brain and nervous system and disproportionately affects children and pregnant women. This bill weakens protections and prioritizes industry convenience over public health. This bill increases exposure to lead by delaying stronger standards for cookware, appliances, and kitchen utensils. The clarity the industry is seeking can be done through administrative and budgetary processes. King County testing has shown that there are plenty of products that can meet existing standards.

Persons Testifying (Ways & Means): PRO: Molly Pfaffenroth, Washington Food Industry Association; Charlie Brown, AHAM and Cookware Sustainability Alliance; Jacob Cassady, Association of Home Appliance Manufacturers (AHAM); Crystal Leatherman, Washington Retail Association.

CON: Nick Federici, Toxic Free Future; Monica Ayers, King County Hazardous Waste Management Program.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.

EFFECT OF HOUSE AMENDMENT(S):

- Establishes a lead limit for aluminum or brass pots or pans of 50 parts per million in 2030 and 20 parts per million in 2034.
- Requires Ecology, under Safer Products, to adopt a lead limit that is either 20 parts per million or the lowest lead limit that is feasible.
- Allows Ecology to exempt cookware and cookware components, except aluminum or brass pots, pans or cookware components, from the 20 parts per million lead content restriction under Safer Products.