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ENGROSSED SUBSTITUTE SENATE BILL 5628

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State of Washington

69th Legislature

2025 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Harris, Shewmake, Hasegawa, Stanford, Trudeau, and Valdez)

READ FIRST TIME 02/19/25.

1 AN ACT Relating to lead in cookware; amending RCW 70A.565.010 and  
2 70A.565.020; and adding a new section to chapter 70A.565 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70A.565.010 and 2024 c 340 s 1 are each amended to  
5 read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Component" includes separate or distinct metal parts of the  
9 cookware including, but not limited to, accessories such as lids,  
10 knobs, handles and handle assemblies, griddles and other cooktop  
11 surfaces that touch food, rivets, fasteners, valves, and vent pipes.  
12 "Component" does not include inaccessible components of cookware or  
13 utensils.

14 (2) (a) "Cookware" means any metal pots, pans, bakeware, rice  
15 cookers, pressure cookers, utensils, and other containers and devices  
16 intended for the preparation or storage of food.

17 (b) "Cookware" does not include refrigerators or large appliances  
18 such as ranges that do not have metal surfaces intended for direct  
19 contact with food.

20 (3) "Department" means the Washington state department of  
21 ecology.

1       (4) (a) "Inaccessible component" means a part or a component of  
2 cookware that is located inside or is entirely enclosed with another  
3 material and is not capable of coming into contact with food or being  
4 accessed during the intended use of the product and its normal wear  
5 and tear.

6       (b) "Inaccessible component" does not apply to those components  
7 made of multiple testing layers serving distinct functions, such as  
8 aesthetics, heat conduction, durability, corrosion resistance, and  
9 optimal thickness in the final design component, and where one layer  
10 in this design is in direct contact with food during use, such as  
11 cooking pots and pans composed of multiple layers.

12       (5) "Manufacturer" means any person, firm, association,  
13 partnership, corporation, governmental entity, organization, or joint  
14 venture that produces a product or is an importer or domestic  
15 distributor of a product sold or offered for sale in or into the  
16 state.

17       ~~((5))~~ (6) "Utensils" means metal-containing items that are  
18 intended to directly contact food, such as knives, forks, spoons,  
19 spatulas, and other such food preparation tools.

20       (7) "Vulnerable populations" has the same meaning as defined in  
21 RCW 70A.02.010.

22       **Sec. 2.** RCW 70A.565.020 and 2024 c 340 s 2 are each amended to  
23 read as follows:

24       (1) Beginning January 1, 2026, no manufacturer may manufacture,  
25 sell, offer for sale, distribute for sale, or distribute for use in  
26 this state cookware or a cookware component containing lead or lead  
27 compounds at a level of more than ~~((five))~~ 10 parts per million.

28       (2) (a) Beginning January 1, 2026, no retailer or wholesaler may  
29 knowingly sell or knowingly offer for sale for use in this state  
30 cookware, or a cookware component containing lead or lead compounds  
31 at a level of more than ~~((five))~~ 10 parts per million.

32       (b) Retailers or wholesalers who unknowingly sell products that  
33 are restricted from sale under this chapter are not liable under this  
34 chapter.

35       (c) The sale or purchase of any previously owned cookware or  
36 cookware components containing lead made in casual or isolated sales  
37 as defined in RCW 82.04.040, or by a nonprofit organization, is  
38 exempt from this chapter.

1        (d) The requirements of this section do not apply to cookware or  
2 cookware components comprised exclusively of stainless steel.

3        (3) After December 2034, the department, in consultation with the  
4 department of health, may lower the ((five)) 10 part per million  
5 limit established in subsections (1) and (2) of this section by rule  
6 if it determines that the lower limit is:

7        (a) Feasible for cookware and cookware component manufacturers to  
8 achieve; and

9        (b) Necessary to protect human health, including the health of  
10 vulnerable populations.

11        NEW SECTION. Sec. 3. A new section is added to chapter 70A.565  
12 RCW to read as follows:

13        The department must develop guidance for manufacturers related to  
14 the requirements of this chapter that includes, at a minimum:

15        (1) Clarifying information to help manufacturers understand which  
16 products and product components are subject to lead restrictions and  
17 which products and product components are not; and

18        (2) An explanation of how the department will prioritize cookware  
19 for compliance testing. The guidance must specifically address  
20 compliance testing of cookware items containing an element or  
21 component of stainless steel.

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