S-3692.2

SENATE BILL 5975

State of Washington 69th Legislature 2026 Regular Session

By Senators Harris, Cleveland, and Hasegawa

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AN ACT Relating to providing consumer access to safe cookware and interstate and international trade certainty in the regulation of lead in cookware; and amending RCW 70A.565.010 and 70A.565.020.

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

Sec. 1. RCW 70A.565.010 and 2025 c 266 s 1 are each amended to read as follows:

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

(1)(a) "Aluminum or brass cookware" means the following items when made of brass or aluminum: Pots, pans, kettles, griddles, grills, internal pots for devices such as rice cookers or pressure cookers, and similar vessels or surfaces in or on which food is cooked.

(b) "Aluminum or brass cookware" does not include:

(i) Items with only an internal layer of aluminum or brass that ((~~is completely enclosed by stainless steel~~)) has a stainless steel food contact cooking surface that is metallurgically bonded and has de minimus amounts of aluminum or brass exposed at the exterior edge of the cookware; ((~~or~~))

(ii) The body of electronic cooking devices with removable cooking containers, such as slow cookers, rice cookers, and pressure cookers;

(iii) A stove or range, cooktop, or similar large appliance, and any components thereof, except that a grill or griddle surface or zone included as a cooking surface on such an appliance remains subject to this chapter; or

(iv) Cookware with incidental, de minimis, or trace amounts of lead that are unintentionally added, are present as a result of impurities or technically unavoidable manufacturing processes, and do not result in exposure above levels of concern as determined consistent with United States environmental protection agency guidance.

(2) "Aluminum or brass cookware component" means cookware parts, intended for food contact in or on which food is cooked, made of aluminum or brass ((~~such as~~)) and that are lids, rivets, fasteners, valves, and vent pipes, unless the intended food contact surfaces are enclosed by stainless steel or a surface coating permitted by the federal food and drug administration.

(3) "Aluminum or brass utensils" means tools made from aluminum or brass such as knives, forks, spoons, spatulas, and similar tools used for preparing, serving, or eating food, unless completely enclosed by stainless steel or a surface coating permitted by the federal food and drug administration. "Aluminum or brass utensils" do not include parts and accessories of appliances.

(4) "Cookware testing methods" means government accepted testing methods for evaluating the safety of aluminum or brass cookware, utensils, or components including, but not limited to, methods published in the United States food and drug administration elemental analysis manual for food and related products as it existed on December 19, 2025, or methods described in the European directorate for the quality of medicines & health care technical guide, as it existed on December 19, 2025, for assessing metals and alloys in contact with food.

(5) "Department" means the Washington state department of ecology.

((~~(5)~~)) (6) "Manufacturer" means any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a product or is an importer or domestic

distributor of a product sold or offered for sale in or into the state.

((~~(6)~~)) (7) "Vulnerable populations" has the same meaning as defined in RCW 70A.02.010.

Sec. 2. RCW 70A.565.020 and 2025 c 266 s 2 are each amended to read as follows:

(1) ((~~Beginning January 1, 2026, no~~)) For aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component manufactured after December 31, 2025, the following minimum standards apply:

(a) No manufacturer may manufacture, sell, offer for sale, distribute for sale, or distribute for use in this state aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component containing lead or lead compounds at a level of more than:

((~~(a)~~)) (i) 90 parts per million, beginning January 1, 2026; and

((~~(b)~~)) (ii) 10 parts per million, beginning January 1, ((~~2028~~)) 2030, unless the aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass cookware components are compliant with cookware testing methods. The department may ask a manufacturer for a test report to prove compliance for products covered under this chapter.

((~~(2)(a)~~)) (b) No retailer or wholesaler may knowingly sell or knowingly offer for sale for use in this state aluminum or brass cookware, aluminum or brass utensils, or an aluminum or brass cookware component containing lead or lead compounds at a level of more than:

(i) 90 parts per million, beginning January 1, 2026; and

(ii) 10 parts per million, beginning January 1, ((~~2028~~)) 2030, unless the aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass cookware components are compliant with cookware testing methods. The department may ask a manufacturer for a test report to prove compliance for products covered under this chapter.

((~~(b)~~)) (2) Retailers or wholesalers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

((~~(c)~~)) (3) The sale or purchase of any previously owned aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass cookware components containing lead made in casual or isolated sales

as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter.

((~~(3)~~)) (4) Aluminum or brass cookware, aluminum or brass utensils, or aluminum or brass cookware components that were manufactured on or before December 31, 2025, and are repaired or replaced under warranty on or after January 1, 2028, are exempt from the requirements in this chapter, as long as sold in compliance with federal food and drug administration regulations at the time of sale.

(5) After December 2030, the department, in consultation with the department of health, may lower the 10 parts per million limit established in subsection((~~s (1) and (2)~~)) (1)(a) and (b) of this section by rule if it determines that the lower limit is:

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

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

((~~(4)~~)) (6) Nothing in this chapter limits the authority of the department with respect to lead in cookware, cookware components, or utensils under chapter 70A.350 RCW.

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