



Government announces new office for product safety and standards

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On 21 January 2018, the Government announced the creation of the Office for Product Safety and Standards (OPSS), a new national oversight body tasked with “identifying consumer risks and managing responses to large-scale product recalls and repairs”. The OPSS starts work immediately.

The announcement formed part of the Government’s response to the Working Group on Product Recalls and Safety. The Report published by the Working Group in July 2017 had recommended the creation of a “centralised technical and scientific resource capability” to re-connect central Government with the front-line services dealing with product safety and recalls. This working party itself was a response to the independent review, by Lynne Faulds Wood which reported in February 2016.

What is the OPSS and what will it do?

The OPSS will be based in the department of Business, Energy and Industrial Strategy (BEIS). It will provide scientific and technical support for general (non-food) consumer products. The OPSS will not deal with vehicles, medicines, medical devices or workplace equipment, all of which are regulated by agencies already in existence.

One of the most important functions of the OPSS will be coordinating responses to large scale recalls. The OPSS will co-ordinate with local authorities, consumer groups, manufacturers

and retailers where action is needed on a national scale, in the hope that the percentage of recalled products being returned or repaired will be significantly increased.

Support will be given to local Trading Standards teams, who are responsible for facilitating product recalls, in an attempt to reduce the number of unsafe products still in use. Part of this support will involve pooling information to identify and address emerging safety issues.

Improvements to the Government’s product recall website will form part of the OPSS’s on-going agenda to improve the safety information and advice given to consumers. By the end of 2018, it is intended that the site will provide an extensive database listing all corrective actions and recall programmes, including a searchable product register. These mechanisms should make it easier for consumers to determine products that are potentially unsafe and/or subject to recall notices.

Any comments or queries?

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As well as the above, post-Brexit the OPSS will provide training to those working at ports, to ensure that appropriate border checks are being carried out.

A budget of £12m per year has been allocated to the OPSS. The hope is that its capabilities will develop over time to be more in line with the arrangements seen in other sectors, including food, motor vehicles and medicines.

Why has it been introduced?

The product safety system in the UK in its current state is unsatisfactory. The shortcomings of the system have been brought to public attention by a number of high-profile fires that have started as a result of defective white goods. In August 2016, a fire in a tower block in Shepherd's Bush was caused by a faulty tumble dryer. The Metropolitan Police also confirmed that the fire at Grenfell Tower was caused by a fridge freezer.

Following these events, the London Fire Brigade (LFB) demanded that changes be made in relation to the safety of white goods. In an open letter addressed to the Prime Minister, the LFB stated that one fire a day in London involves white goods, whilst three fires a day across the UK involve tumble dryers.

Statistics from multiple resources further confirm that faulty white goods can pose a risk to life. The BEIS Committee estimates that since 2004, at least 750 fires across England resulted from defective tumble dryers. Similarly, the Government has published data indicating that 7% of all fires caused by faulty appliances are as a result of fridges, freezers, or fridge freezers, whilst charity Electrical Safety First estimates that five fires a day across England are caused by white goods.

Although safety concerns over white goods have been brought to public attention, the number of products being returned or repaired is small. The effectiveness of product recalls is poor. It has been estimated by Electrical Safety First that the average percentage of electrical goods recovered as a result of a recall is on average between 10% and 20%.

Will the OPSS be successful?

With the above statistics in mind, it is unsurprising that the Government was pressured into implementing change. However, although the announcement will be regarded by many as a positive development, consumer group Which? has criticised the regime for "falling short of the full overhaul" that the product safety system in the UK "so desperately needs".

In a press statement dated 21 January, Which? called for an independent national body with "real powers to protect consumers" and a "pro-active approach to market surveillance". It appears that Which? desires further intervention to ensure that manufacturers, importers and retailers not only operate in a more transparent market, but also engage directly with consumers to ensure that safety issues are communicated and also addressed.

Given that the OPSS is very much in the "initial stages" and undoubtedly will be finding its feet, it is impossible to predict to what extent product recalls and product safety regimes will change for the better. However, despite the criticisms made by Which?, if the objectives set by the BEIS have not been overstated, it seems likely that the OPSS could result in positive changes for the UK product safety system.

If it runs as planned, the introduction of the OPSS should result in a more consistent approach to the enforcement of required safety standards. This in turn should reduce the number of faulty goods on the market, thereby reducing the number of injuries resulting from these goods. However, such a result is not only dependent on the success of the OPSS: industry and local authority cooperation will also be needed.

Time will tell how successful the OPSS will be but, at the very least, its creation is an indication of Government commitment to the issue of product standards and recalls.