Public Accounts Committee

Oral evidence: Protecting consumers from unsafe products, HC 180

Thursday 1 July 2021

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Members present: Meg Hillier (Chair); Sir Geoffrey Clifton-Brown; Craig Mackinlay; Sarah Olney; James Wild.

Questions 1 - 67

Witnesses

I: Sarah Munby, Permanent Secretary, Department for Business, Energy and Industrial Strategy; Graham Russell, Director, Office for Product Safety and Standards, Department for Business, Energy and Industrial Strategy; and Jaee Samant, Director General for Market Frameworks, Department for Business, Energy and Industrial Strategy.

Examination of witnesses

Witnesses: Sarah Munby, Graham Russell and Jaee Samant.

Q1   **Chair:** Welcome to the Public Accounts Committee on Thursday 1 July 2021. We are examining the challenge of protecting consumers from unsafe products, whether they are purchased on the high street or online, and from the UK or overseas. The Office for Product Safety and Standards was established as recently as 2018 and in the Department for Business, Energy and Industrial Strategy. Its job was partly set up as a result of some of the problems in relation to Grenfell Tower and the consumer issues there, but we have also seen high-profile failures of consumer products—such as Whirlpool washing machines—which fell in the lap of the OPSS at an early stage, and it faces a wide range of other challenges, which we are going to discuss today. The way we purchase goods is changing rapidly, and the OPSS has to deal with that, as well as the implications of the UK's departure from the European Union and how that affects our regulatory regimes in the UK. It is a hugely challenging task, and we are pleased to have in front of this Committee the OPSS for the first time, as well as other departmental officials.

I would like to welcome our witnesses. We have Sarah Munby, permanent secretary at the Department for Business, Energy and Industrial Strategy; Jaee Samant, director general for market frameworks in the same Department; and Graham Russell, director of the Office for Product Safety and Standards, which sits firmly within the Department.

I want to kick off with you, Ms Munby, about why the OPSS was set up as an office within the Department, rather than as a separate arm's-length body.

Sarah Munby: As to the time the OPSS was set up, I think it is worth remembering a few things. One is that we were undergoing an enormous amount of change. The first few years of this organisation have involved managing the consequences of EU exit, building a really quite substantial set of new functions, changing the way the product safety system works, by establishing the role of a national player, and, as you mentioned in your introduction, some really high-profile specific incidents. So I think the answer to the question is that it is quite simply because there has been an awful lot of work and establishment to do in getting this thing going; and, at the start of its journey, incubating all that inside the Department, where you already have people, structures, processes and so on, was the right way to get things moving.

We have been very focused on making sure that we drive real results and change at pace since then. Clearly, over time, there is a question about the future status of the OPSS. At the moment, I think it is functioning strongly in the Department. It is doing a good job. We do not see any particularly critical need to review its status. And it is certainly very busy getting things done. These things are always a trade-off between disruption and reaching whatever you think the right long-term equilibrium

is. But it is something that Ministers look at regularly and are currently not minded to alter.

Q2   **Chair:** I can appreciate the point about speed and, now that it is established, the complications of changing it, but is there any impact on its resources and budget as a result of it being part of a Department, rather than being a separate, arm's-length body with its own budget?

Sarah Munby: No. Its resourcing and budgeting would have the same processes around it, more or less, if it sat outside the Department. I do not think there would be any fundamental difference. Arguably, it would make it more difficult to then mobilise additional resource into the organisation in the face of a particular crisis, but—

Q3   **Chair:** Sorry, you are saying that it would be more difficult if it was at arm's length?

Sarah Munby: It would be more difficult to put more people in. Equally, it would then be more insulated from asks to take people out. It is slightly more flexible inside the Department. But the question of how many people and how much money should be inside the OPSS is not particularly closely related to its institutional structure. That is reflected in the fact that what the last few years have looked like is actually significant expansion and significant additional funding, partly in order to manage the consequences of EU exit and partly in order to make sure that we are strengthening the parts of the system that most need help—for example, additional funding for testing, to support local authorities' testing processes.

Q4   **Chair:** You highlight that of course it is swings and roundabouts; that the organisation could lose and gain by being in the Department. If you are expected in the next spending review to have efficiency savings, which I suspect might come down the line for Departments, given the situation we are in—I am sure you are all planning for that, whether or not it happens—would the OPSS be expected in your view to take its percentage share alongside the Department, or do you have plans to insulate it to some degree from that kind of percentage efficiency saving that might be imposed on you? I know it is a bit theoretical, but I wonder how safe its work is.

Sarah Munby: No, it is a very fair question. I should first of all say that just because something is an arm's-length body does not make it safe from efficiency targets. As part of our savings review processes, we will ask both the core Department and all of our ALBs to look carefully for efficiencies. My principle would be that if we have an overall target for the Department and our partner organisations as a whole, that target should be distributed according to priorities, focus, opportunity, not in a blanket sweep way. I would not change my view on that according to whether something was inside or outside the Department.

Q5   **Chair:** Okay, so no salami slicing. You will do it more forensically. That is helpful to know. We will hold you to that when, no doubt, these things come down the line, which I know will be very challenging for Whitehall.

Mr Russell, you have been there three years now. How do you think things

are going? Give us a little canter through what is going well and what you think the challenges are.

Graham Russell: It is, as you say, three years since we were set up in 2018, and from my personal point of view it is a privilege to be leading this work. I have a team of committed professionals in OPSS, but also in local government, in trading standards, and it has been three years of significant challenge and change in the area of product safety, and also more broadly. We take the responsibility that we have been given very seriously. It is to enforce laws that protect people from serious risk of harm at the most vulnerable points in our lives. From my personal perspective, it will be 35 years this year that I have been involved in some form of regulation, so it matters to me, but, more than that, it matters to the team that I have the privilege of leading.

At this early stage of our development as a brand-new regulator tasked to upgrade the system, I appreciate the fact that the NAO has done this work looking at the product safety system. It has been good to have the NAO look at that. It is early days, and having some insights from somebody outside is enormously valuable. We really appreciate that, and we appreciate and welcome the recommendations that they have made.

In three years our priority has been to ensure that we start to create a system that is trusted. The UK benefits from very strong product safety laws that have been enforced over many years, but times are changing, situations are changing, and pressures are growing, so the priority for us is to ensure that we have a system that is trusted and that does two things: it protects people, and it enables businesses to innovate, grow and thrive in ways that are compliant and in accordance with that protection principle.

So that is what we have been set to do. We have grown the team. It has been important that we have introduced new capability and capacity. For example, on day one I had no chartered engineers. I now have 10, and those people really matter because when it comes to "Is this product safe?", I need somebody who can get inside that product and understand it not only at a theoretical level, but at a practical level. We employ statisticians, intelligence officers, analysts and enforcement staff, and building that team has been the No. 1 priority.

As Ms Munby said, we were tasked to staff from day one. We were not given a one-year shadow period to build a team, so our motto has been "Building while delivering", and we have sought to deliver on those important priorities. You have already mentioned Grenfell Tower, Chair, which was obviously an event of massive significance. From our point of view, it really started with the fact that the fire appears to have started in or around a fridge freezer, so it was imperative that we could give confidence as to whether those products were safe and whether people could continue to use them. That really typifies the work that we have been doing.

We need to be sure that people can have confidence in the products that they buy, but also the products that they have in the house. That is perhaps one of the key determinants of product safety, compared with other areas of consumer protection. It is about not just "Was this product safe when I bought it?" but, "Is it safe today?", which could be 10 years later. So, recall and notification has been a big theme for us, just as much as ensuring that products are safe.

I will just mention one further challenge, which is that, looking forward, the products that we buy and the way we buy them are changing very quickly. The percentage of retail sales online was 27% last year and I think it is 36% now. If that continues—it may be covid-related, but I think it will continue to grow—it means that we will need to have effective enforcement of those products, which are sold by a variety of platforms in a variety of ways. I am sure we will come back to this, but making sure that the legislation is fit for purpose for that is a big priority for us.

Q6   **Chair:** Thank you. That gives us a good overview, so I will just drill down to ask some specific questions. You have talked about white goods. One of the first challenges you had was the issue with Whirlpool tumble dryers, not long after you had set up. How challenging was that? As you said, you have had to recruit a lot of staff since you set up. Talk us through how challenging it was to deal with that issue in the early days and what wider lessons you have learned; perhaps you can expand on that issue around white goods for product safety and consumer safety.

Graham Russell: The question of Whirlpool tumble dryers actually predated our set-up. The company identified in 2015 a concern over the rate of fires in these tumble dryers and identified that 5.2 million of these tumble dryers had been sold in the UK. On a global level, most of these tumble dryers are actually sold in the UK; it is not the case that they were sold in loads of countries around the world.

So, they had quite a significant issue—roughly one in five of all homes in the UK had one of these tumble dryers at that point. As I say, that is significant. At that point, of course, OPSS had not been set up, so Peterborough trading standards was the trading standards department that took the lead. I think it is right to give tribute to that local authority and the work they did with Whirlpool over those years.

However, when we were created in 2018, Ministers asked us to look at what was going on, because after three years, although there had been significant success—I think that something like 1.7 million tumble dryers had been modified—a lot of concerns and issues were being raised by people who could not get the machine modified, or were still experiencing fires. And really it was a question of: was this modification successful and was it being carried forward successfully?

So we made that one of our early priorities. We did a lot of work on the engineering, a lot of work on the statistics and a lot of work with the company, but also with the other white goods suppliers, because we had to look at how this compared with the supply of other goods and

particularly tumble dryers, which are responsible for—I think that it was 724 fires in 2017-18 that originated in tumble dryers. So, it is not an insignificant issue.

We did that piece of research, we engaged with Whirlpool and we came to the point where we felt that what it had done was not sufficient, for two principal reasons. One was that we were not sure that its outreach had been successful and adequate, particularly in terms of the most vulnerable consumers, who were not responding to their campaign. And, secondly, we were not convinced by the quality assurance, in terms of the modification that it had done; that the machines were—

Q7   **Chair:** So, there were two aspects to it: there was the engineering side; and there was the consumer side. But it took a year before you concluded a recall. Do you feel that there were any issues about how fast you were able to move, given that this has been, as you highlighted at the beginning, a problem that was known when you were established? And if that problem happened now, would you be able to move faster?

Graham Russell: To give you some confidence, something similar did happen in 2019, where the same company identified a problem with washing machines. Although it was not on the same scale—it was about 500,000 washing machines involved—we were able to move at pace and a full recall was instituted within weeks, and it has been much more successful percentage-wise in the period since then. So, I think the learning from that tumble dryer issue showed.

As to whether we could have moved more quickly, I think it was imperative that, first of all, Whirlpool continued with what they were doing; they were carrying on with the modifications and we worked with them to address that. However, we also had to make sure that what we did was conclusive. It was no good just continuing this for ever; it had already run for four years by that point.

At the same time, we were concerned that this did not become an ongoing issue with more and more products. So, we worked with industry and with the British Standards Institution to create a publicly available specification on recall, because what became clear was that companies need to prepare ahead of time. It is too late once they have got the issue; they are chasing then, to try and recover.

So, that specification requires companies to prepare ahead of time, and we have trained trading standards officers to work with local businesses and national businesses to be ready for what happens next. I think we are seeing better performance now on recall as a result of that.

Q8   **Chair:** Ms Munby, this is in your Department within your purview. Are you confident that the OPSS has the ability now, or do you think it needs anything more to get to maturity on dealing with these really important white goods consumer issues? White goods go to lots of homes, as we have heard from the figures.

Sarah Munby: Specifically on white goods, I would say that we have a pretty high level of confidence, not least because we have just had a good drill over the last two years on Whirlpool washing machines, in which performance has been good, although I will come back to one caveat. The concern about where the gaps are is much more in the places of rapid change, such as online sales and so on, which are covered in the product safety review. I would not say that getting even stronger on white goods would be in my top three.

The only thing I would add to what Graham said, though—I am afraid that this is a slightly depressing fact in the context of today's hearing—is that the Whirlpool recalls, particularly the washing machine recall, were a very large-scale, very well publicised recall process with a very good consumer offer of completely free replacement and the highest level of the right response for the consumer. Yet we know that there are still people who have Whirlpool washing machines or tumble dryers that are affected by these recalls and who have not replaced them. That is not because of a lack of communication—this has been front-page news—but because getting people to truly react and change their behaviour is just quite a hard thing to do.

At the end of the day, you sort of reach a block of folks who are not acknowledging and acting on the risk. That is something that I do not think there is an easy solution to. Noting just how large-scale the publicity around this has been, it is not a lack of visibility or focus. As we think about the product safety system, trying to make sure that the products that go out in the first place are as safe as possible is really critical, because although recalls are a very important tool in our armoury, even the best recall that you ever do does not work that brilliantly.

Q9   **Chair:** Absolutely, and there are certainly plenty of people, as we have seen in covid, who do not have access to online news and so on. Mr Russell, you have also had a big role in covid in dealing with some of the consumer end of PPE—not the high-level NHS protection end, I should stress. Can you talk us through how you ramped up quickly to deal with that issue and how fast you were able to react when you found something that was not meeting requisite standards?

Graham Russell: PPE is a particularly important example—it is obviously an important example in covid—of a sector where, historically, and indeed, probably up to spring of last year, a relatively small number of people had purchased, in relatively stable ways, from relatively known suppliers, and those products were compliant with the standards. Suddenly, we had a massive expansion of demand in, as you say, the health sector, but also in the care sector and beyond that in frontline users, and in consumers as well.

At the same time, we had all sorts of people coming in to supply more products, and many of those people were well intentioned. Some were UK suppliers who were in other areas, whether it was brewers moving into hand sanitisers, clothing manufacturers moving into producing scrubs, or people with 3D printers seeking to produce visors. We had quite a lot of

that happening. The problem was that they were not necessarily experienced in that area, so it was important that we worked out how we could do that safely.

Unfortunately, at the same time, we also had some people who saw an opportunity to supply unsafe or misleading products. We had two roles, principally. We changed the law to make it easier for people to make compliant products more quickly—we passed a couple of regulations to bring in that assurance, but subject to the necessary standards—and then we did two things. First, we set up a regulators co-ordination cell with HSE, MHRA, the nuclear regulator, and the Health and Safety Executive for Northern Ireland because the law is not as simple as it might be in this situation. The same product could be used by different people in different ways, and we had to make sure there was consistency across that pattern and that we all worked together. Secondly, we took direct enforcement action ourselves, where that was appropriate for the products that were for the markets that we were managing.

To give the Committee some idea of that, in terms of items that were going to the health service, there were 1.3 billion items that we, between us, detained and ensured didn't get through to the wrong use. That doesn't mean they couldn't be used elsewhere, but they were destined for the wrong use because of issues with them. That was on that side.

On the other side, something in the region of 1 million items were detained at Heathrow airport by us, Border Force and trading standards, because they were not of the requisite standard for safe use.

Q10   **Chair:** Sorry, on that latter point, was that for consumer use, not the NHS end of it?

Graham Russell: That would not be for the NHS, but it would be for a range of uses that were not medical.

Q11   **Chair:** Can I just drill down on that? A lot of people, if they have not been sewing masks, they have been buying these little blue masks. You can get multipacks at different prices. How are you monitoring the quality of that sort of thing, which people will buy at the supermarket checkout?

Graham Russell: If it is sold at the supermarket checkout and doesn't make claims in that sense, then the requirements are relatively lower but there are still issues, even apart from performance, about choking hazard and making sure that we are not creating another hazard, either from choking on the mask itself or the strings attached to it.

If you go up a grade, in terms of items that are being sold for use at work, you have additional requirements that are in place and the Health and Safety Executive would then be responsible.

Q12   **Chair:** What, in your view, is the scale of any problems? How reassured can the public be that, when they buy a pack of cheapish face masks for day-to-day travelling, work and so on, they are actually doing what they say they are going to do and they are not going to cause a choking hazard

or other issues?

Graham Russell: Most of the issues we saw were not with consumer masks, but with masks at the next grade or the grade above that.

Q13 **Chair:** So you are saying, basically, that your average user of a mask—your average civilian, if you like—who is not working on the frontline of a risky business, is pretty okay with the standard of face mask and visor that is available.

Graham Russell: Yes. As long as it is not physically dangerous, the expectations for that product are relatively low, and consumers can have confidence in those products. Most of the issues that we saw were in the first six months while this disrupted supplier system became restored. Obviously, there were people working across Government on establishing those supplier systems and we now see a much more stable system.

Q14 **Chair:** Given that there are now a lot of players in this market and anyone who can is getting into producing face masks, because they are quite cheap and easy products to produce, what is your outreach? How are you working to make sure that you are keeping tabs on what is happening? Again, I am trying to reassure consumers about what they are buying.

Graham Russell: Principally, frontline enforcement of a product like that in a stable market would be carried out by local authority trading standards. Our role is what we call national, novel or contentious. Clearly, this time last year we had a novel problem and we stepped in, working with our colleagues in local authorities and Border Force, but now the frontline of that will be carried out by trading standards, either working at points of import or working with producers, if they are in the UK. I would have to say that the risk around consumer face masks is very low and it would not be a priority for us.

Q15 **Chair:** Last year, you had been going for a couple of years. Suddenly covid hit and you had a huge potential workload. Did you have the capacity to deal with it or did some other things have to drop down your schedule of priorities as a result of covid?

Graham Russell: We had the capacity to deal with it, essentially by moving all deployable resource on to these issues in the short term. For us and for local authorities, our staff were working from home and we had to conduct new risk assessments for people working, for example, at Heathrow, which we did at pace. We had to get teams deployed there, and to Daventry and to other places, and also ensure that local authorities could be deployed there safely. Essentially, it was a mass prioritisation exercise. As Ms Munby said earlier, because we were in the Department, we were able to bring staff in from other parts of the Department to support us in that work.

Q16 **Chair:** If money had been no object, what would you have liked to be able to do at that point? Was there anything you felt you could not deliver because you are a relatively small organisation with not huge resources, compared with some other parts of the system?

Graham Russell: The main thing that I would like to have been able to do quicker was give more support to small businesses that were trying to do their piece for helping people. Unless they get the risk assessment right, they might make products that do more harm than good, because they look like they are protecting but aren't actually offering that protection. We did deal with a lot. I am just looking for the number, but we dealt with thousands of businesses at that time. If money was no object, I would have loved to give an officer to every small business that was trying to get into that business and make sure they got it right. Clearly, we did whatever we could. We worked through communication channels, including social media, and local authority trading standards.

I have a figure here. We dealt with 2,000 complaints in those early weeks, and we managed to get 87% of them closed within five days, which I was very proud of. That was because people were working literally 24/7 at that point.

Chair: That is a useful overview of where you got to in the first three years and some of the issues around covid. I am now going to turn to Craig Mackinlay MP to get down to some more detailed specifics.

Q17   **Craig Mackinlay:** Ms Munby, I just want to pick up on a couple things that we heard there. The Whirlpool tumble dryers were a major event. What was the start point when people realised that there was something wrong? Was it consumers reporting that they had an issue? Was it fire brigade services saying, "This is becoming a very obvious issue in the cases we dealt with"? Or was it the manufacturer itself putting its hand up and saying, "I think we have a problem"? With the best will in the world, I don't think any Department of Mr Russell's, yours or anyone else's would have been out in the field to discover this, because it was a well-known, respected manufacturer that had produced products across decades that we have all used. Where was the precursor that went, "Ah, we have a problem here"? I doubt that there are any Government Departments in that process. It came from somewhere else.

Sarah Munby: Let me send that one to Graham, who was there at the time and can give you chapter and verse.

Graham Russell: Thank you, Mr Mackinlay. This was identified by the company. A company that sells a product has a responsibility not just to sell it as a safe product but to monitor its use afterwards. The company purchased a number of other companies and therefore took responsibility for their historical production. They did due diligence of that, and in doing that they identified an anomaly in the rate of fires in one particular sector, and then they looked for the cause of that. They identified what they believed to be the cause, and then they proposed to the trading standards department, "This is what we want to do to rectify it."

Craig Mackinlay: So it was a, "Hands up; we've got a problem here." That makes me wonder whether that is the route by which many of these problems are discovered.

Let's moved on to a current fad. Children's fads come and go. If you remember, a couple of years ago we had these fidget spinner things, which came and went within a few months. I don't suppose there is too much that can go wrong with them, unless the plastic itself is toxic. Now we have these half-sphere bubble things that they all seem to be playing with. Again, there is not too much to go wrong with them, unless the rubber has some sort of toxicity.

Chair: Mr Mackinlay, you are definitely on the playground trends.

Craig Mackinlay: I am. We had Rubik's cubes when I were a lad.

Chair: Don't say that; it dates us all.

Q18   **Craig Mackinlay:** The current fad, or one of them, which seems hopefully to be going, is these powerful magnet balls that children are playing with. There are regulations; I have looked it up. They are the Magnetic Toys (Safety) Regulations 2008, on the back of an EU regulation. I struggle to understand how we would actually stop these things being on the market, but it is the country's response to the obvious risk of them being ingested and then causing blockages in children's digestive tracts. Is there any work going on with the NHS? When these new fads come and go and there is a risk, is there a system by which you are alerted to them—particularly that one, because the outcomes can be very serious, if not life-threatening?

Graham Russell: First, thanks for the question. Just to very marginally correct you, the fidget spinners did create a risk, because quite a few of them had sharp edges and we had quite a lot of problems with people being cut by them, so this is the case even the most innocuous of fads. I am tempted to say that Rubik's cubes led to people swallowing the pieces when they came off, but that was before my time, so I won't say that.

Chair: Let's not go back to Rubik's cubes, please. Let's focus.

Graham Russell: To come to the point of your question, which is absolutely at the heart of what we focus on most, as you have rightly said, there are regulations about the products in question, in terms of them being sold as toys. The question is whether people are complying with that regulation and whether parents are aware of the risks.

What we have seen as a new trend relatively recently is products that are not being sold as toys, but are being sold as decorations—for example, if you don't want to pierce your tongue, you can use a magnet to hold something on your tongue, or your ear, or people are using them to put on glasses as decorations. Of course, the risk of swallowing them is then very high. We are seeing a trend of the same sorts of products being used in different ways.

Your question is, how do we know about that? First, we do our own research. We are in touch with people. We work proactively. We also monitor consumer social media and consumer complaints.

In terms of the NHS, there are two points. One is that we have a three-year programme that is just into its third year, where we are working with the Royal Society for the Prevention of Accidents, which is running pilots in five hospitals to gather data directly at the point of A&E to see whether we could get that data directly there. I can talk more about that pilot—there are some interesting things about it. It is ongoing and we will report on that in due time, but I am happy to talk more about that if you want to.

The other thing we do is talk directly to paediatricians. For this particular example, the way the products were being used differently and how that was causing injury was alerted to us directly by NHS paediatricians, who had seen an increase in the number of operations they were doing to physically rectify people's bowels because they had swallowed these things and they had ripped their insides up.

It is really important that we are there with those people because they are the ones who get that information first.

Q19   **Craig Mackinlay:** That was an obvious example of a short-term danger, because it happens to you immediately. There are other products out there that are potentially a long-term danger, because of the toxicity of paints or other such things. I would have thought that the NHS is a key tool to alert you to these things that are around the corner.

In the case of the magnets, I am not sure there is much that could have been done, but there could have been a wider consumer alert. Stories on the BBC and on other media could have said, "Take great care; if you can, do not buy these things." That might have been a quicker way forward, but it is a complicated case.

I am interested in new retailing. You mentioned, Mr Russell, that 36% of things are now bought online. A number of names are the key platforms—obviously Amazon, eBay, Wish and Etsy.

Consumers tend to think, "If I can buy it online or in a shop, then it is safe, because it is in the UK and we are an advanced economy, and so I deem it to be safe." We can have a discussion about whether the old adage of buyer beware should come into play, but how sure can consumers be that these products, which are often shipped direct from the source countries—there are issues about VAT compliance—and when these platforms have facilitated a purchase, are safe? It is a new world and I am afraid it looks a little bit like the wild west at the moment. Have you got any thoughts about how that might be addressed?

Graham Russell: I think you are absolutely right—there are real challenges with this. There are real challenges, first, because our legislation was created for a different age, but even beyond that, we have real difficulties with the fact that products can be supplied in very different ways. When someone goes online, they may be buying from a UK-based company or they may not. They may not know whether they are or not. They may think they are buying from a platform and therefore in some way they are protected by that, but it may be that somebody is a third-party seller on that platform.

There is probably a lot more complexity to that than there ought to be. One of the things we are looking to do is to simplify that and make sure that consumers have relevant information. While it is true that buyers should always beware, when we are talking about products that can injure and harm people, we have to go as far as we can to protect them.

We have legislation. It is illegal to sell an unsafe product, whether it is online or in a shop or any other way. In that sense, there is no exemption for things just because they are being sold online. The problem is more how we make sure that people comply with their responsibilities when they are producing goods online. There are two things to say about that, apart from our ongoing work. We have a team that works day in, day out, looking at products online. Trading standards do that. Ports and borders teams do that in terms of things being imported. In a sense, that is a lot of things happening. I think we have taken down 5,000 items in the first three months of this year, so there is ongoing work, but looking further beyond that there are two things.

One is that we have just launched a call for evidence where we are looking at the legislation and looking at the approaches to see whether they are fit for the future. We have had well over 100 responses to that, as well as a number of workshops, including with consumer groups and with online platforms, to make sure that we can create an environment where we can protect people as far as possible in the future. We will publish the results of that call for evidence in due course.

The second thing that we are doing is working directly with the major platforms, including the ones that you have just named, because we think that they could do more to take forward their responsibilities—both their legal responsibilities and, if I might say so, their wider responsibilities—to protect people. We are currently in discussion with them about a voluntary promise that we think they could sign to say that they will be proactive in doing their screening, in making sure that when things are alerted they take them down quickly, in making sure that they also alert when people re-post the same products under different names, and they take those down and respond to consumers, and in providing information to the sellers. We think that they are a good channel to make sure that sellers know what their responsibilities are.

That is an important piece of work. I know some people would ask the question why we are doing it voluntarily. It may be that in the fullness of time, through the product safety review, we need to look at more statutory measures, but as an immediate step, making sure that those platforms take their responsibilities seriously—I have to say that they have engaged in that conversation really well—I think is important.

Q20   **Craig Mackinlay:** That is encouraging. I think we are on the same page on what the issues are, but the growth of these types of internet sales really puts the duty, in my view, because there is nobody else to put the duty on, on to the facilitating platforms. It would seem to me that that is the angle that you need to pursue.

The NAO Report suggests that trading businesses are not entirely sure themselves what their responsibilities are in the marketplace to ensure product safety. How are you going about trying to penetrate businesses to say, "I'm sorry—you're the retailer. This is your responsibility." I am sure it is probably more the smaller retailer that is perhaps unaware, but legislatively you have mentioned that you might need some changes. You have a lot of what you might call home businesses that are selling stuff, and the ability of trading standards and others to get into a home are rather different from going into a retail shop or a warehouse to check things. What more powers do you need to make sure the growth of home businesses is properly regulated?

Graham Russell: As you say, the NAO has rightly pointed to the fact that there is more work to do in terms of making sure that all businesses are aware of their responsibilities. We carried out that research because we thought that it was important to set a baseline for what the responsibilities are at the moment. What we do know from the research that we have done, which we will publish later this year, is that businesses that are in the higher-risk sectors are more likely to be aware of their responsibilities than those in the lower-risk sectors, which is good, and businesses that are smaller are less likely to know their responsibilities, which is challenging.

It is imperative that frontline officers in local authorities identify businesses and producers in their area. There are some legislative challenges if they are home producers, but they are not insurmountable. Generally speaking, we can work with them. Often our experience is that businesses want advice. There are very few people who want to sell unsafe products, because apart from anything else it does not really give you a long-term market, so people are looking to make sure that their products are safe. We have seen some great initiatives by trading standards, working with even the smallest businesses—home businesses— and of course through covid we have seen a number of people set up home businesses and start to sell products from home.

In fact, I was comparing notes this week with the chief executive of the Food Standards Agency who has had a similar experience. We have both identified similar trends and similar responses. In my experience, if you can be proactive, and local authorities are good at this—they know their local community, they know the local people and they can make those announcements locally—that is the best way of addressing those home producers.

When we look at some of the other things that you mention, in terms of larger scale, and particularly those points of import that you were talking about, I think that is where we have a responsibility to make sure there is a consistent national picture, with people treated in accordance with the risk that they create. Risk is obviously a combination of the hazard of the product, the scale and the compliance rate of the business. We try to think about all those things when we do our targeting.

Q21   **Craig Mackinlay:** I will go to Ms Munby for a bit more of a bigger view of

these things. In post-Brexit Britain, I am sure that we will probably continue accepting the CE standardisation, which is not only EU-wide but has become quite an international standard in itself. When I buy something through one of the facilitating platforms, of which there are some, and it is being sold direct from Hong Kong or China and comes through the post direct to my door within days, and lo and behold it has the due CE marking on the back, how can I be sure that the conformity assessment body or the agency that has been appointed abroad to actually put that CE marking on is all it is made out to be? Can I have any assurance on that?

Sarah Munby: There are two angles on this. First, it goes to Graham's point about imported products, particularly those coming through marketplace vendors, where clearly one of the risks is fakes. I think that is addressed through the sorts of things that Graham was just talking about. A different point arises if you are buying something that has gone through a conformity assessment. Just to make a factual point clear, for a product that you are putting on the market in GB, you need a GB marking, not a CE marking, so within GB we will not be relying on CE marking in the future; we will be using our own GB markings, provided by a GB conformity assessment body.

It is worth just pointing out, though, that that affects quite a small proportion of products. The number of products for which you need an independent conformity assessment for safety is quite small. It is things like cycle helmets or fireworks. For the larger number of products that receive markings, it is for the company itself to go through a process of demonstrating that it has carried out assessments in order to enable it to put the mark on. While there is a change—it is a new mark, and you will need a GB conformity assessment body to assess your product, in the case of that small portion—it will not affect the majority of products on sale in the UK; it is quite a small number.

Q22   **Craig Mackinlay:** To expand on that, the product I was talking about was in my office. It is a USB switch, so you can run the same printer off of two things. I think the internet of things is a very interesting new area, but how can consumers be sure that an internet of things—let us give an example: a child's camera so you can monitor your baby. It has a very clever app so you can watch it on your phone. Consumers might be happy enough that the product will not catch fire, but how can they be sure that the software behind it is all it seems to be? You connect it up to your home wireless, so there is lots of potential for security risks. How will any of the agencies cope with that? Is that doable at all?

Sarah Munby: That is a really good question. One issue that we are looking at in some depth as part of the product safety review is how to deal with a product that is increasingly a mix of hardware and software. It even raises the question of what we mean by "a product" and "product safety". In one sense, the answer is very straightforward, because those elements of the product that manifest themselves through software are still part of the product, and it is still a requirement to sell safe products, but that answer is not entirely adequate.

I want to pick up on a specific risk, which I think was implicit in your question, around cyber-security and the sort of risks around the hacking of your baby camera. For clarity, that is a DCMS responsibility, and there is legislation in the pipeline around that. The sorts of things that come into that—to give you an example of the sorts of measures that we are talking about—are things such as preventing manufacturers from using default passwords across the full range of a product, so that every time that baby camera appears, it has the same password. That will not be allowed. It is those sorts of behavioural and process changes that are actually some of the most important levers, and that cyber-security regime needs to sit alongside the product safety regime and the kinds of reforms we might be looking at through the product safety review.

Graham Russell: I would just add a couple of things to that, if I may. The risk that you are describing is a real risk and an important risk. I saw a figure a couple of weeks ago that said 15% of the appliances we buy for our homes are already smart appliances—they are connected to the internet in the way you describe. Although we talk about this as a future risk, it is already affecting the products we are buying. All the things we have just heard about the importance of those cyber-security points are absolutely right, and we also need to make sure that we are not introducing new product safety risks—for example, if it can be switched on remotely and it is not being supervised and is a fire risk, does that introduce a new risk to the public?

But there is another side to this, which is that if we get this right and innovate well, we can actually make products safer. To give an example of that, we have already talked about the challenge of recalling tumble dryers, but if all those products had been connected to the internet in the way that telephones are, we would see the level of success in recalls—I think there was a recall of a telephone last year that reached 98.9% success. The way they did that was actually to reduce the battery power on the handsets until people had to go back because their phone would not work anymore. You might say that is a fairly brutal way to achieve a recall, but if it is a safety-critical product, surely that matters.

If all our products are connected to the internet, it might be that, actually, when there is a safety issue, we would be able to trace them, we would be able to find them, and we would be able to ensure that people responded to that. That is just one example. Similarly, if a product needs repair and it is connected to the internet of things, there is a prospect of that being alerted. In that sense, the product becomes intelligent. You are absolutely right to point to the risks, and I do not deny them at all, but I also think we need to make sure that we encourage innovation that protects people.

Q23   **Craig Mackinlay:** That is fascinating—I had not thought about that, Mr Russell. You can imagine a future where your washing machine is connected to the internet. If there is a recall problem, it will simply not work and you will have a display message on your screen. I can see the benefit of that.

In terms of trading standards, Peterborough took the lead on the Whirlpool

issue. In my experience—I am obviously a Kent MP—I do not really see much activity by trading standards. They are deemed to be one of those almost discretionary services, and they have often been in the first line of being cut when budgets are tight. Nationally, I think they have had a 39% reduction in funding. But it seems to me that there are more and more, and rapidly evolving, products that come to market through various means by which they can get into the country, or they are home-produced—whichever way. Isn't there a case to say we need that frontline of trading standards to be strengthened rather than loosened? It seems to me that they are your frontline eyes and ears underneath the OPSS.

Graham Russell: I am happy to come in on that, and it might be that Sarah wants to come in on the wider issues. I will talk directly about trading standards in public safety. As you have probably picked up from what I have already said so far in this discussion, I am a big advocate of local regulation and local trading standards at the frontline. They are part of communities, know their local businesses and connect together all sorts of different regulatory threats in those businesses. That is really important, and trading standards do that well. It is our privilege to work with them.

When we were first established, it was clear that we needed to work effectively with the system that was there. We have not replaced that; we seek to reinforce it and support it. The first thing that I and my deputy did was that we went and met every local authority trading standards department in the country, either directly or through their regional groups. We did that very quickly, and we said to them, "Look, what are your challenges? What can we do to support you, and how we can make this system work?"

As the NAO has reported, we still have more work to do, because this is challenging. Trading standards vary enormously, and some are quite well resourced. I would point to Kent as doing quite a lot of work on public safety, particularly in terms of imports and so on. However, not every authority has the same level of resource, and not every authority has the same level of priority—they have different priorities in different communities. We have some local authorities who said, "Actually, we are quite well equipped for product safety; we have expertise. What we need you to do is stand behind us with engineering expertise, detail, and the ability to support us. We would like some money to do more testing so we are able to address those issues." Other local authorities said, "To be honest, with the scale we are at, we really struggle to deal with the most minor issues on product safety," and we have had to offer them more of a wraparound support service.

Our task really is to make sure that they are equipped to do their job, so we have given them free access to British Standards, for example, which they all used to have to pay for that separately, and it cost them quite a lot. We fund that centrally. We have trained them in 4,000 officer days of training across 200 local authorities in the last three years. As a result of that training, 92% of them said that they were more confident in doing their job, which is right at the heart of what we are doing.

We have given them money for testing. Over a three-year period, we have given them £1.4 million for testing, so they have been doing that testing at the frontline, and it is focused on local importers and local businesses, so we do not get duplication with everyone testing the same product all across the country. They focus on the things that matter locally to them. They are very good at their job, to be fair; they have found 83% non-compliance, not because 83% of products in the UK are not compliant, but because trading standards officers given the resources are actually very good at finding where the issues are, and every time they find one of those issues, they can resolve it. That means that real things are being fixed at the local level.

I do think that we value enormously trading standards and the work they do. We think is it genuinely a partnership. We know that we have to continue to work at that to make sure that we have the right information and that they have the right support. That is the answer in terms of product safety.

Sarah Munby: Graham, I think you have made the key point, which is that from an OPSS point of view, our collective job—to put it in a PAC-ish way—is to improve the value for money of the spend that goes into trading standards by making it easier for local trading standards teams to do a brilliant job with the support of Graham and his team. We are on a very good and positive trajectory around that.

On the product safety database, for example, which essentially allows the sharing of product safety data and is the replacement for the EU system, it is noticeable that since Graham and his team put the new system in place, we have seen a 600% increase in the number of submissions from local authorities. That is simply about giving people something that is easy to use, easy to access, works well—those quite simple things about making it easier for people to do their jobs effectively.

The broader question of funding for trading standards obviously goes far beyond this hearing specifically. Ultimately, it is a question for MHCLG, but we are working in close partnership with them on the regulatory services task and finish group they have launched, which is all around making sure that we are prioritising working together effectively across Government, so that the full picture of regulatory services can operate in the most value-for-money way possible.

Chair: We will come back to some of that in more detail. Mr Mackinlay, are you done?

Craig Mackinlay: Yes, I am done. We recognise the issues, but I am not sure we have the solutions yet.

Chair: We recognise that the whole regime has changed over the last three years, so this is a good opportunity for the Committee to probe and press on some of the changes that are already being discussed in Whitehall. Thank you very much, Mr Mackinlay. Let us turn now to Sir Geoffrey-Clifton Brown.

Q24   **Sir Geoffrey Clifton-Brown:** Good morning. Ms Munby, I do not know whether you have seen the written evidence submitted by the Safer Disinfectant Network. Hand sanitisers—what they are exactly and how effective they are—have become a really important issue during the whole covid pandemic. The Safer Disinfectant Network says: "The UK has minimal regulatory and enforcement regimes on such products compared to other countries, such as the United States, Australia, and the Republic of Ireland", particularly on whether they are defined as "medicinal rather than biocidal products." Is there a role for Government, in this type of sector, to define what exactly a product is?

Sarah Munby: Let me answer the question in generality and then I might pass to Graham, because OPSS have done a great deal of work on hand sanitiser specifically.

Yes, absolutely there is, not least because the essential framework here is that products are operating under different standards. That is the typical way product safety works, right? People are using a standard to help them work out how to ensure that the product that they are supporting is safe. The framework of what the standard applies to, what is inside the standard, is work that is done usually by industry groups, under the support and governance of the British Standards Institution. Some of those standards are then designated by Government. If a standard is designated by Government, that means that you can rely on it as demonstrating that your product is safe; that is what we call presumed compliance.

So yes, absolutely there is a role for Government, but the additional thought I wanted to land is that it is not necessarily in all cases about government in the sense of legislative definitions around all this. Actually, the flexibility and the industry lead that goes on in the world of standards is a really, really important lever here and gives a greater degree of accuracy, agility and so on to the system. But Graham, perhaps you could comment specifically on sanitisers, because you will be better at that than me.

Graham Russell: You are right to say that this is a difficult issue, because it does cut across different regulatory regimes. Effectively, a similar chemical formulation could be sold as a biocide, a cosmetic or a medicine, in which case it would be regulated by different organisations: OPSS, HSE or MHRA. We in OPSS have the responsibility for ensuring that that system works as a whole—there are no gaps and there is no duplication—because we have responsibility for what is called market surveillance. So what we have done on this product, alongside what I said earlier about PPE, is that we have set up the regulators co-ordination cell, where those bodies come together, so that we look at a product and we say, "Let's have one approach to this, let's decide who is leading on it and then let's make sure that we deliver that consistently."

For example, we have collectively checked 1,160 products sold as hand sanitisers in those different formulations, and 550 of them were de-listed. Those were products that were being sold online. We also conducted some

research to look at whether ethanol-based products, in particular, contained toxic and carcinogenic substances. That work has now been completed and HSE are taking that forward under the biocidal products regulations that you mentioned. So we do work on and we do recognise the challenge of this particular product and the way it crosses over the different fields. I think it is imperative for us as Government to make sure that we do that together and so that is why we have co-ordinated in that way.

Q25 **Sir Geoffrey Clifton-Brown:** Mr Russell, I don't know whether you have seen the evidence, but the Safer Disinfectant Network has set up a panel of experts from some of the biggest manufacturing companies to ensure the best knowledge and standards. Is this something that your organisation, the OPSS, welcomes—the fact that manufacturers have come together to set voluntary standards and are starting to voluntarily self-regulate? Does this make your task a lot easier?

Graham Russell: Exactly as Ms Munby said earlier, the relationship between standards and regulations is critical. The job of my organisation is to enforce regulations that require products to be safe and those who put those products on the market to take responsibility for their safety at the point of sale and through the life of the product. But to decide whether something is safe, you need some form of judgment, and standards are really helpful in making that judgment. Standards are voluntary by definition, and they are generally constructed on a consensus basis. We work very closely with the British Standards Institution. We fund them by a small amount to ensure their work is inclusive, that they listen to the voice of consumers as well as the voice of business and that they are well represented on the international stage, where the UK has a very, very high reputation in the standards world. But those standards are constructed, essentially, to enable businesses to make good decisions about safety.

Most standards are not actually anything to do with regulation; 80% have nothing to do with regulation. I think we are involved in something like 3,000 or 3,500 standards that do bear on the products that we regulate, and what we do is to prioritise certain committees that we do sit on. It is a very small number, because there is a lot that we could be on, but we do work closely with the BSI more generally. Where a standard is significantly useful for assuring a business that if they follow that standard they will be meeting the essential safety requirements, we have a process where we designate that standard.

In EU terms, that was called harmonisation, but now we are doing it in the UK we are designating those standards for UK producers, and we are saying, "If you follow this standard, you have a presumption of conformity that you will be getting it right." Where we can do that, we are giving businesses more assurance. That standard has that greater level of confidence, but the standard still remains a voluntary product, produced by consensus, and our main priority there is to make sure that it happens in an agile fashion. We have worked a lot with BSI recently on bringing standards to market more quickly. Obviously, it is important in a

consensus environment that you listen to everybody, but it is also important that you give people consensus.

Where we have had concerns about standards, the example that springs to mind is fridge freezers, where we saw a number of fires being worse than they needed to be because the backs were plastic and flammable. In the UK, based on research from the London Fire Brigade mainly, we were very concerned about that, so we were able to work with partners internationally to improve the standard so that flammable backs are not included on fridge freezers. That means, effectively, that if you want to put a fridge freezer on the market and you are following a designated or harmonised standard, you would have to change your method of manufacture, but we did not wait for the standard to be changed, because that does take time. We work with producers to say, "Look—we don't want any products in the UK that don't have this level of safety." As always, we find that manufacturers are actually keen to make safe products, so when we can get that consensus and that conversation they move very quickly.

Q26 **Sir Geoffrey Clifton-Brown:** Ms Munby, the heart of this issue is whether an industry responsibly operating to proper standards is better than having to apply the full regulation of the law to enforce a standard, so it is a question really of where the Government need to come in when an industry is performing perfectly well, or if it starts to fail. At what point do the Government need to come in?

Sarah Munby: I think the real question is around risk. There is a stratification of different systems here between places where the products are really very low risk, and therefore there is hardly any Government involvement at all beyond the ultimate foundational point that you have a legal obligation to sell safe products, going right up to products where there is a very specific standard that has to be independently assessed by a conformity assessment body. There is a grading here, right up from a piece of fabric to a cycle helmet, about the relevant risk of the product.

I think that that is perhaps a more relevant dimension than the one that you are talking about, which is how responsible the industry is. I think that is because, to Graham's point, the incentives on businesses, broadly speaking, to sell safe products are reasonably high. While there might be a small number of specific places where, for whatever reason, an industry is not acting responsibly, that is not the mainstream of what we see.

It is worth saying that one of the things that OPSS does is intervene with specific campaigns where there are specific risks. An example that came to mind as you were talking was Halloween costumes. Costumes in general are not fridge freezers, but because we saw specific risks around Halloween costumes that was a place where OPSS intervened with a campaign to get people to understand better the risks around Halloween costumes.

Q27 **Sir Geoffrey Clifton-Brown:** To cut to the chase, some of these products were advertised as killing 99% of bacteria or protecting against coronavirus for 30 days, without these being proven through laboratory

testing. That is not acceptable, is it?

Sarah Munby: Making false claims is clearly not acceptable.

Q28   **Sir Geoffrey Clifton-Brown:** Without proper scientific evidence to back them up, they shouldn't be marketing them on those bases, should they?

Sarah Munby: No.

Q29   **Sir Geoffrey Clifton-Brown:** Mr Russell, do you have anything to say about that?

Graham Russell: You are absolutely right. Where a producer, or a supplier, makes a claim, they need to be able to demonstrate that that is truth. In some situations, if it is a medicine or if it is making a medicinal claim, there are requirements before you can put that on the market—licensing, and obviously our colleagues at the Medicines and Healthcare Products Regulatory Agency will take the lead in that. More generally, if a product is not making those kinds of claims, it is the responsibility of the producer to ensure that any claims are true.

I think you have alluded to the challenges of the scientific evidence in some of these issues and that is where working with the sector to make sure that there is a common consensus around what such a claim means is really important.

Q30   **Sir Geoffrey Clifton-Brown:** But this is a definitional problem, isn't it? You have already alluded to this yourself, whether it is a medicinal or a biocidal product, and surely it ought to be labelled as such, whether it is medicinal or biocidal. It seems that these products, in some cases, are getting away with things that are not necessarily proven—I wouldn't necessarily say that they are not true, but they are not necessarily proven—by calling themselves biocidal products.

What can be done about these definitions, which allow products to be put on the market that are not necessarily coming up to the standards of evidence that are needed to back up the claims on the product label?

Graham Russell: The way that the system works is that there are certain requirements. For example, if a product makes a medicinal claim, or if it makes a health claim, once it crosses the threshold into that area, it is regulated according to those regulations. If it doesn't make the threshold into that area, it is still a matter for regulation, either on a safety matter if it is causing a safety hazard, or more generally it is a consumer protection matter, which involves trading standards. And the other body that is relevant in the space that you are describing is the Advertising Standards Authority, which has that broader responsibility for adverts and claims.

So there is an effective regulatory regime; I don't think I would agree that things are falling through the net in that sense. I would suggest that the imperative is that we work together and that we create that regulatory co-ordination, so that, yes, business is getting clear and helpful advice, but also so that business is being held to account for complying with necessary requirements.

Q31   **Sir Geoffrey Clifton-Brown:** A final question from me on this matter, Ms Munby. Clearly, these sorts of issues are fast-evolving. I know that we will come on to all sorts of electronic methods of sale and all sorts of things in a little while. What steps are you and your Department taking to co-ordinate with other international partners? I mentioned in this case that the United States, Australia and the Republic of Ireland have seemingly more advanced regulations than we do. What steps does your Department take to discuss with our international partners what the best way is of regulating any product, really?

Sarah Munby: I wonder if I might just come back briefly on your previous question; I want to come in on that and then I will respond to exactly what you just asked.

I was just going to make the point, because we were talking about trading standards earlier, that there are multiple regimes that can apply to an individual product. That is one of the reasons that we have a locally joined-up trading standards regime, so that a business is able to have a discussion that goes across product safety, environmental health, moving into health and safety and so on. That kind of local join-up is quite important to help to manage on the ground some of the issues that you are talking about.

However, to come on to international engagement, it happens at lots of different levels. We talked when we were last here—Jaee and I—about some of the engagement that we do on regulation, and the principles of regulation with the OECD and so on. That is about the principles of what regulation should look like. Then, each individual regulator—Graham included—partners with their equivalents in other countries and looks out for what is happening and what is working—you know, "California have done this on furniture. Scotland are thinking about doing this on fireworks. Is it working? What can we learn from it?" I am sure that Graham could talk about some examples in more depth.

Particularly since leaving the EU, that process of being actively engaged with the international community around product safety is obviously critical, because it is a learning opportunity for us.

Jaee Samant: May I add to that, Sir Geoffrey? On the international front, OPSS sit on the OECD's working group on consumer product safety and are pretty key players in that. That is obviously a multilateral group. We also have really close working relationships with our counterparts in the US, in Australia and in Canada, because obviously there is a lot to discuss and a lot to learn.

We actually seconded a member of staff to our US counterparts, to try to learn from the American regime. For example, they have an established method over there for collecting data from hospitals on product-related injuries, and that is obviously an area that we are really trying to learn about and develop ourselves. We have used some of that experience in designing the pilot that Graham mentioned earlier that we are running on acquiring data from the NHS.

We have also liaised with our Australian counterparts on their development of an Australian product safety pledge, which is part of ensuring that we learn the lessons from what other regulators are doing brilliantly. We have been learning from Canada, for example, about how they have set up product safety laboratories and how they select areas by risk, and also their approach to random product safety sampling.

Q32 **Sir Geoffrey Clifton-Brown:** That is a really helpful answer. I am out of my knowledge zone here, but I believe the NHS has a reporting mechanism when they see particular accidents or problems with a product. If somebody has been poisoned or whatever by a particular product, there is a reporting-back mechanism. How well does that mechanism work?

Jaee Samant: Forgive me, Sir Geoffrey, I could not hear the last bit of your question.

Q33 **Sir Geoffrey Clifton-Brown:** I am out of my knowledge zone here and I might be wrong, but I believe the NHS has a reporting mechanism where they see a particular accident. If somebody has been poisoned or injured by a product, there is a reporting mechanism. How well does that work?

Jaee Samant: Probably variably is the answer, although Graham will know more about it. Part of the issue that we are finding through the pilot is that some of the language used is not precise enough and frequently not clear enough. If I may make up an example, the doctor seeing an injury might just report the injury. Otherwise they might just say that it is a firework accident without saying which firework, or they might record it as a burn without saying that it was a firework. So we find it is genuinely challenging trying to get information that is specific enough for us to take action. Perhaps Graham could say more than that about the pilot.

Graham Russell: I do not think there is anything I want to add to what Ms Samant has said on the pilot, because she has dealt with all the issues there. In terms of the reporting mechanism that you talk about, Sir Geoffrey, it might possibly be the cosmetics reporting where there is a more advanced system for reporting harm from cosmetics. That is why we had to establish a new database after leaving the EU. I think 240,000 products are now on that database, so that where a hospital identifies harm—typically, it is the ingestion of a cosmetic that has been swallowed, but it might also be a skin condition that has followed from using a cosmetic—they can look that up on the database and report the harmful effects. I have figures for how many of those harmful effects we have seen already on that database this year. I will give you those in a moment.

That cosmetics system is well developed because the hazards and the concerns in that system are well known. But as Ms Samant has just said, that same level of detail does not extend across other products. To find out that so many thousand people have gone to A&E with fireworks injuries does not necessarily tell you whether that is as a result of tripping over at a fireworks display, being burnt by a firework, or a firework mis-performing because it was unsafe, and of course those are very different things.

Chair: That was very useful and instructive.

Sir Geoffrey Clifton-Brown: Thank you very much.

Chair: We are now going to turn to Sarah Olney MP.

Q34 **Sarah Olney:** I am particularly interested in the evidence submitted by the London Fire Brigade and will ask a couple of questions about that. I am interested because I visited my local fire station last week on a completely unrelated matter, and they told me, unprompted, that electrical items, particularly those that have been ordered online or have evaded the normal product checks, are one of the biggest risks for fires. This is in the context of quite a major fire that took place in Richmond last week, so I am particularly interested in this evidence. One of the things it has really highlighted is the extent to which there are groups of consumers who are more at risk, and their evidence to the Committee has highlighted particularly low-income households who are of course more likely to look for cheaper products.

We have seen from the NAO Report that safety comes somewhere below price, in terms of what drives consumer behaviours, and we can assume that that is going to be much more the case in low-income households. They are at particular risks from unsafe products, and electrical products are particularly highlighted. I am keen to know, Mr Russell, what more your organisation can do to target more vulnerable groups of consumers.

Graham Russell: First, thank you for the question. You have covered quite a number of areas that we focus on a lot, so I will try to work my way through them, but if I miss anything, please come back to me.

Your experience at the fire station is actually very typical. We work closely with fire services—mainly the London Fire Brigade, because they have a co-ordinating role on behalf of the National Fire Chiefs Council, but also other fire services across the country. As I said right at the beginning, I have been involved in regulation for a long time. Many years ago, the causes of fires were smoking in bed, chip pans, unsafe electric blankets and unsafe furniture. Over that 30-year period, from working in particular with the fire service but also with trading standards, there has been a succession of successful initiatives to address those, and the number of domestic fires has come down dramatically in those 30 years. That is tribute to people in the fire service.

What that has meant is that white goods are now more prevalent among the causes of fire. It is not actually because white goods are causing more fires. Although we have more white goods in our homes, the actual frequency of fires is coming down as they become safer, but as those other causes of fire have been addressed, white goods have become, for many fire services—

Q35 **Sarah Olney:** Can I interrupt you for a minute, Mr Russell? We have covered white goods. I am more concerned about goods that are for sale online—we have touched on that already—and in local marketplaces, coming from overseas, perhaps coming into this country through personal

deliveries, and second-hand goods. It is more that sort of thing that I am concerned about. Again, that is what my local fire station was highlighting.

Graham Russell: Thank you, and there is a real issue there. Today, we announced the right to repair, which means that consumers can get replacement parts for their goods so products can be repaired. That is good in terms of recycling, waste and so on, but we need to make sure changes like that don't lead to the kind of risks that you create with goods having longer lives and not being safe. It is really important that, where items are put back into the market—second-hand, recycled or repaired—they are safe. That is a genuine challenge, and we are working with that sector on that. It is one of the areas that we are likely to address through the product safety review, because we don't have the same traceability and the same confidence in those goods when they come on to the market.

Of course, you are right to link that to certain areas of vulnerability, because if those products are at lower price points, who is buying them? One of the things that we need to make sure is that people are protected whatever price point they are buying at. All goods should be safe. However people are buying them—whether that is in local markets, in shops or online—they should be able to expect the same level of confidence and safety. That is the priority. That is the intention. That is why we work with people like the fire service to look at the data. We don't see that the data necessarily shows a marked difference in terms of the safety of the product, although we monitor that very closely. Another way of thinking about that is the impact of an unsafe product. If there is a fire, how is it contained and dealt with?

Of course, a lot of our learning is being driven by the Grenfell Tower tragedy. However that started—it appears to be associated with a fridge freezer—its impact on many people was significant. The European risk assessment model didn't really look at that context, and at how fires and events can impact different people. We are working on a new risk model that we are using as we take that forward, and then we will be rolling it out to trading standards. It looks not just at the product but at the context of the product, how it is being used and how informed consumers are about how to use it safely.

The NAO, as you say, rightly pointed to the importance of having a strategy on vulnerability, how you understand that and how you work to inform people. We have done a lot of research on, for example, how older people interact with products and how well products deal with different ethnographics. For example, you may have seen that there was some work last year—it wasn't us; it was somebody else—on automatically dispensing hand sanitisers not recognising different skin colours. We need to make sure that products work well for everybody in our communities, so that is a key priority for us. We have done a lot of research on that. We have not yet put that together into a single statement about vulnerability, which is something the NAO has pointed to, but we will be doing that.

Jaee Samant: May I add something on vulnerable consumers, because it is an area of real importance? The NAO has rightly said that this is something we need to do more work on in OPSS. Some of the other regulators that I work with have already done a lot of thinking about this, and we are trying to learn.

There are two broad prisms you could apply to assessing vulnerability. One is the universal factors that make an individual vulnerable. There is a lot of work that the NAO itself has done, and that some of our other regulators have done. Those could be things like having a disability, having a low income, being of a certain age and so on.

The problem we have on product safety is that that, of course, interacts with the fact that certain different products are unsafe at different times in different circumstances to different people. It is not impossible to do this, and we are working really hard on trying to do it. We have done a fair bit of research and we have been trying to learn from our regulators. The Food Standards Agency, for example, has done this. We recognise that it is a really important area on which we need to do further thinking, and I want to reassure you that we are on the case.

Q36 **Sarah Olney:** Thank you. While we are talking about different vulnerabilities, I wanted to highlight cosmetics, which we have not touched on much in this session. I am not going to talk about it a huge amount now, but one of the things I see is that black and minority ethnic communities are quite vulnerable with cosmetics. Generally speaking, they have to buy from more niche suppliers, because our mainstream suppliers for cosmetics are shamefully overlooking their needs. I have seen some horrific stories on the news—I am sure you have too—about skin-lightening products, for example. I just want to take the opportunity to highlight that particular issue.

Coming back to the LFB submission, I thought it was interesting that they highlighted how difficult it is for the public to know where to report. Obviously, we are working with local trading standards, but if they have purchased a product online they may not even know where the seller is based, so they would not necessarily be able to report a faulty product to local trading standards. Their own local trading standards may not be responsible, if they do not know where the product was actually sold. What is the OPSS doing to overcome the issue of not knowing the location of the provider of the goods?

Graham Russell: I am happy to take that. On your point about skin-lightening products and other cosmetics that are sold to people from different backgrounds, there has been some brilliant work by trading standards in some of the London boroughs. I am happy to send some links to that for the Committee, if that is useful. Also, environmental health, which enforces public health in Northern Ireland, has done some good work on this. This is an example of where having local authorities who are close to local communities and can pick up that local intelligence can do some really good work. I totally agree with the point you are making there.

In terms of where consumers report, it is a classic problem. It is really hard to anticipate where a consumer might feel they should report something. What we do across government on consumer issues is that we fund Citizens Advice to have a consumer helpline. That is a single number that deals with all topics across the country. We would encourage people to use that number. OPSS could set up another phone number, but in a sense all you are doing is making consumers' lives more difficult and more complex.

So, we work with that existing service and it gets data on product safety. It refers that to us or to local authorities, as the case may be. We have access to its database. Personally, I do not think it is helpful to keep setting up more and more phone lines.

Q37 **Sarah Olney:** I entirely agree. What are you doing to make consumers aware that Citizens Advice is where they should go if they do not know which local authority is the relevant one for their product complaint?

Graham Russell: If they ring the local trading standards or they ring Citizens Advice they get through to the same place. It is a single hotline. Even if you ring trading standards, you will still get through to the same place. We are not trying to educate consumers by saying, "You must ring this number." We are trying to say, "Whatever you choose to do, you will get through to the same consistent service."

The campaign on Halloween costumes has already been mentioned and we do a big campaign with partners on fireworks. Where we do those campaigns, we want to always advertise that same phone number so that consumers are aware of that. What we find is that consumers will trust different networks—for example, something like RoSPA, Mumsnet or the Child Accident Prevention Trust. Different consumers will contact and trust different organisations, depending on where they are in their life cycle. We were talking yesterday about the importance of health visitors for people have had babies. That is the kind of person they are going to trust at that point. We need to make sure that they are aware of that, so we work with their professional body to make sure they have that information to pass on, so that, as far as possible, we are not relying on consumers making good choices. Whatever they decide, we want to make sure they get through to the same good service.

Q38 **Sarah Olney:** Thank you. I want to move on now to the implications of leaving the EU and what impact that is going to have on ensuring consumer goods safety in the future. The report that we are discussing says that "The government does not yet know the full product safety implications of EU Exit but estimates that new responsibilities will cost regulators £9 million a year." The report also talks about the lorries coming into the UK, primarily through Dover and Holyhead. The number of lorries being checked for standards, which obviously will include safety standards, has increased from about 100,000 to about 2.8 million, which is obviously because all the lorries coming in from the EU are theoretically now in scope. I am really interested to know how £9 million of funding is going to address that enormous increase in scope. Ms Munby, can you tell

me a little bit more about that £9 million and how you are thinking of spending it to capture all those lorries that are now in scope?

Sarah Munby: There is an important and quite simple thought to land at the beginning of this answer, which is that we inspect according to risk assessment. The process is not that every single product that comes into the country is always checked, because that would be a huge ask, even before we left the European Union. Actually, the risk assessment process— we talked the last time I was here about data sharing across government and data sharing across regulators—is a really good example of that working well. Graham's organisation has access to live consignment feeds from HMRC, so they know what is coming in. They can model what is risky, and that is a whole set of different factors. That is about where it is coming from, what kind of product it is, and what kind of mix there is in the consignment. It is a much more complicated answer than you can give in a few sentences; it is a mathematical answer that gives risk. Through that modelling, particular consignments get flagged for checking.

Another example of a factor that you take into account is where it is coming in. Some locations are low risk, and some locations are higher risk. What all that means is that—although you could never say this as an absolute fact, because this is about risk assessment—in general, products coming in from the EU are not likely to be those that score particularly highly through that sort of risk assessment process. Therefore, when you define the scale in terms of numbers lorries, it looks like an absolutely enormous increase, but when you think about it in terms of increase in risk, it is an increase. We will be doing more checks, which is why we are providing additional funding to local authorities, including Kent, which has particular concentrations of goods coming in from the European Union. We have scaled that funding according to what we think is appropriate to manage the level of risk that we need to manage here, not in order to look at exactly the same proportion of all shipments that we were previously doing across a new base, because the risk profile of our incoming goods has fundamentally changed.

Q39   **Sarah Olney:** Are you predicting an increase in consignments from the rest of the world, and do you think you are well resourced to check those?

Sarah Munby: Graham, you can take that.

Graham Russell: Just to give you a sense of scale, the figures that you quote there, and that the NAO quoted, for the number of lorries coming through Dover are significant. It is a massive increase in terms of that particular flow. We have increased by threefold the amount of money for Kent trading standards to do checks, and we will increase that again as those profiles change. However, exactly as has just been said, the risk of products coming from the European Union—they have probably already been placed on the market, and at the moment we have largely aligned requirements—is relatively small. The number of consignments coming through Felixstowe is 3.8 million equivalent units, so it is already larger than the predicted increase at Dover, and that is why the predominance of what we do in terms of checking is at Felixstowe, then at Heathrow, where

a lot of the air shipments come in, and then at East Midlands airport, where the parcel traffic flow comes in because of the reasons we spoke about earlier in terms of online sales. Those places are where we do the checks.

We do not anticipate a change in the overall risk in that sense. The UK has not become a different place in the overall global market in that sense. Obviously, our trading patterns will change over time, and it is important that we work with our colleagues in Border Force and HMRC to monitor those trading patterns, but it is essentially an intelligence exercise that is entirely focused on that single purpose of making sure that the checks we do are targeted as well as they can be.

I think the figure in the last report that I have seen was that 54% of products checked at point of import were non-compliant. That does not lead me to conclude that 54% of all products are non-compliant; it leads me to conclude that the risk assessment is intelligent and well based. What we need to do alongside that, and what we will be doing this year, is a random sampling of products so that we can compare the efficacy and effectiveness of that targeting.

Q40   **Sarah Olney:** Do you think that the regulatory system is ready for the additional goods that might be entering?

Graham Russell: Let me just clarify. Do you mean the checks at point of import, which I am happy to go further into, or the broader regulatory system in terms of the wider set of things that we are doing with, for example, the standards, the accredited bodies, the Science Advisory Council and so on? I am happy to address either, but I do not want to miss the point.

Sarah Olney: More about the checks, what you are checking and what your powers are.

Graham Russell: Broadly speaking, we see nothing on the horizon that changes the risk profile in particular, although we must monitor that. The scale will change, for the reasons that you have alluded to. That is why, as Ms Munby said, we have already put additional resource into this, and I am sure that through the spending review, we will continue to monitor the relevance of that to the size of the challenge. I do not particularly think that you want to get to a stage where you are opening every container and looking inside at every item. That would be tremendously disruptive to the flow of trade into the UK, and it would also be disproportionate to the risk.

I firmly believe that the way we should approach it is a close collaboration between central Government, us, our partners in HSE, Border Force, HMRC, the other people who have an interest at the border, and then the frontline local enforcement. What I have done this year is create a border team who will stand ready to stand behind local authorities, because there is a different service at each point of entry. As I have mentioned, Felixstowe, Heathrow and East Midlands airport are our most critical

points, but we will have some new points, including Holyhead, Liverpool and Dover, which you have mentioned.

In each of those areas, we work with local authorities, but last year, for example, as I have already mentioned on PPE, we needed to deploy some staff to Heathrow, working with the five local authorities that Heathrow is surrounded by, to make sure that there was a co-ordinated approach and that we had those bodies on the ground. We need to be able to do that at a moment's notice where short-term immediate risks arise, so we are now creating that team, but we will not routinely deploy people at those points, because it is really helpful if local authorities do that as part of their wider remit. Wherever possible, we do not want to do the checks at the port because that creates a logistic issue, so we are working towards inland places where those same goods can be inspected when necessary.

It will always be the case that Border Force takes the frontline. It is responsible for overseeing the whole system, trading standards oversee in product safety and other trading standards matters, and then a whole range of other regulatory bodies will look at goods where the risk profile determines that they should. We want to do that in a way that, as far as possible, enables goods to flow, because there are always two risks here: one is that unsafe goods arrive in the country, and the other is that we do not have access to the goods that we need. We need always to be balancing those two risks. We want people to be able to access goods, but we want them to be able to access safe goods.

Q41 **Sarah Olney:** Ms Munby, leaving the European Union reduces some rights for UK consumers who are purchasing EU goods. For example, they do not have access to the same dispute resolution mechanisms as they did. What impact do you think this will have, particularly with regard to product safety?

Sarah Munby: With regard to product safety specifically, as I said earlier, goods that are being put on sale in GB need to meet GB standards. All of the frameworks that Graham is talking about, and the same redress and legislative situation, exist regardless of whether that product is coming from Europe or somewhere else. I do not think that we are concerned that there is any immediate impact in terms of the safety or rights of UK consumers in importing EU goods.

The more live issue is that UK companies that are exporting to the European Union need to be able to meet European Union safety requirements. That is appropriate because we are a third country. That does place additional requirements on people who are exporting, which is sometimes challenging for smaller exporters. That is a consequence of our new status.

Q42 **Sarah Olney:** Will we be able to meet the requirements of UK businesses to certify that they meet EU standards? I note, for example, that we do not have any capacity to test pyrotechnic products in the UK. That must be a barrier to anybody who wants to export them to the EU.

Sarah Munby: In the case of pyrotechnics specifically, the issue is that we do not currently have a UK-based, UK conformity assessment body. The issue is not so much about exporting fireworks but about being able to certify that your fireworks are safe, once we move into 2022. We are working very hard at that problem.

One of the things that we have done already is to make it exceptionally the case that for fireworks a UK conformity assessment body can be physically based abroad. That means that you could effectively use an overseas conformity assessment body, as long as it is licensed. We are very hopeful about solving that problem in time.

Q43   **Sarah Olney:** Are you seeing other consumer protection problems resulting from leaving the EU?

Sarah Munby: Jaee, maybe I could ask you to come in on the broader consumer protection issues?

Jaee Samant: Not so far, to be perfectly honest. Consumer protection in the UK, broadly speaking, has tended to exceed that offered across the EU, so not so far. Obviously, we are always on the lookout for issues that consumers are encountering, but we have not heard of many so far.

Q44   **Sarah Olney:** I want to talk a little more about online platforms and sales through online platforms, whether in this country or coming from abroad. Do you have the powers to regulate what is being sold on these online platforms?

Graham Russell: In essence, yes, in the sense that all products being sold in the UK must meet the same requirements, which are that the person who placed them on the market must make sure they are safe and must monitor their safety and use.

Often, products that are on online platforms are not being sold by the platform, so that responsibility does not sit with that platform but with the person who is selling the goods. That is one of the issues that we mentioned earlier.

Q45   **Sarah Olney:** Do you think it should sit with the platform? Essentially, that is what we are asking. Do we need to introduce legislation to make that happen?

Graham Russell: That is right at the heart of what we are looking at in the product safety review. There are reasons why that might be helpful, but there are also reasons why it might not be, which is why it would be a balance. We have looked around the world at what other people do and, at the moment, other countries do not make it the responsibility of the platform. That does not mean that we should not, but it does mean that we should learn from experience elsewhere. The problem is that the platform may well not have access to the information that the producer and the supplier have, for example if it requires a technical file, self-assessment or testing.

Where platforms could play a greater part, and where we are interested in what the future might hold, is in asking whether they should be allowing items on to their platform if they do not have the necessary information to empower the consumer to make those good choices, or if they cannot be sure that a product that needs a conformity assessment has had one. So maybe it is more in that sense of working with the platforms on, if you will, seeing that as a control point, rather than necessarily making them responsible. But this is exactly the topic where we want to listen to people, we want to learn from that, and then we want to make the right decisions.

Q46 **Sarah Olney:** Ms Munby, is there a danger of an unlevel playing field, as it were, between the online marketplaces and what you might call the invisible sellers, and retailers on our high streets, particularly our smaller businesses, who are much more visible to local trading standards and therefore, I guess, much more accountable for the standards of their goods? We do not have quite the same inspection regime for these online sellers, many of whom, of course, will be people in their bedrooms making stuff for sale, for whom light-touch regulation is probably appropriate. Is there a danger that we do not have a level playing field between different types of sellers who might be producing similar goods?

Sarah Munby: Yes, there is, in the sense that although they all face the same legal obligations, the level of enforcement today is different, and that is why, through the work that Graham has just been talking about, we need to make sure that we do have a good answer to how we ensure that products being sold through platforms are safe.

But there is also something here about remembering that there is a real good, a real positive, in these products being available and on sale. The fact that somebody can start a business on Etsy and sell you products that you would not have otherwise been able to access is a real good for the person starting the business and a real good for you as a consumer being able to access the product. So there is something here about not going too hastily to answers that say, "Okay, now the platform must have complete responsibility for all safety issues," because the likely consequence of that would be fewer products being on sale, including fewer safe products as well as fewer unsafe products. That is not to say that that might not be the right answer, but that is why this is not just a simple process.

It is difficult when you have a lot—thousands and thousands—of small sellers, many of whom are based overseas. To exactly work out how you carry out enforcement is hard. We have had a very long time to build the local system of enforcement for physical retail through trading standards. That is a mature system that faces its own challenges. This is a really quite a different, new frontier and there is no easy answer, which is why we have not seen, internationally, a solution that we are looking at and saying, "Yup, copy that." We need to work in partnership with our colleagues internationally, and it might well be that, ultimately, the solution is one that involves a degree of international collaboration to address some of these issues. I would not assume that the solution is entirely domestic.

Q47   **Sarah Olney:** But presumably you don't think that is close if the answers are not already out there with one of our international partners.

Sarah Munby: No. I think there are some things you can do quickly that really help. Some of the stuff that comes into the pledge that Graham talked about earlier is voluntary, which is about communications. You can imagine the next step after that, which is relatively straightforward to do. To give you an example—I am not saying this is the answer—you place an obligation on the platforms to make it much clearer when you are buying something that is fulfilled by the platform, where they take a level of responsibility, versus something that is fulfilled by the seller, where they are purely passing through. You could imagine creating that obligation with much more visibility. You could imagine much more visibility being required of the country that you were buying the product from. You could imagine defining a set of higher-risk products and having more red flashing lights over them.

There are all sorts of steps that you can see that will help, but would any of them that we can currently put our hand on lead to me coming back to you in a year's time and saying, "Problem solved. No risk of small-scale overseas exporters putting unsafe products in the UK market"? I do not currently have, and I do not think anyone around the world has, an answer to that at the level of security that we would all like to reach.

Q48   **Sarah Olney:** Just quickly, then, you mentioned international trade agreements. Is any part of this being embedded in any of the negotiations? I appreciate this is slightly out of your scope, but in the trade deals we are currently negotiating, are we talking about enforcing consumer safety standards on products that are currently being imported here?

Sarah Munby: Not to my knowledge, but Graham, you are much closer to product safety discussions on trade deals, so you might want to add something.

Graham Russell: Certainly product safety is included within trade deals, in terms of non-tariff barriers, standards, mutual recognition and so on. I think the particular thing that you are discussing here—how we police international trading patterns—is not normally done through a trade deal; it's done more through international co-operation.

I will just say one thing, which is that although this is a growing problem, it's not a new problem. Forty years ago, if you were a person interested in a certain product area, you could purchase a product internationally and have it posted directly to you, and the chances of that being intercepted by an enforcement agency were very small. The only difference now is that it's a lot easier and therefore the scale of that happening is a lot higher. In that sense, we just need the resources and the tools that are commensurate with the scale of that problem, I think.

Sarah Olney: Thank you very much. I think I'm finished, Chair.

Q49   **Chair:** Thank you very much, Ms Olney. There will be just a couple of

further questions from me—to you first, Mr Russell, about the work that you are going to be doing in the construction industry. We have talked a lot about consumer retail products—the person on the street buying the product. With regard to construction—as a result of Grenfell, of course— you are taking this on. Can you just talk us through what you are doing and what the challenges are there, especially given that once something is up on a building or buried in a building, it's going to be hidden away for quite some time? How are you going to try to get in at an early stage to resolve some of the problems that we have seen with cladding?

Graham Russell: I should just say, for the Committee's benefit, that while OPSS is doing this work, and I am very happy to answer the question, we are doing it on behalf of Ministers in MHCLG. With that caveat, I am very happy to answer the question you have identified.

It's very, very early days. We were given this responsibility this year. We don't have full statutory powers until the Bill that is about to be laid before the House is in force, so at the moment, we are using existing powers and working with local authorities, but mainly working on understanding and cultural issues.

It will be apparent to everybody that some pretty significant problems have been identified through evidence that we have heard, in the first half of this year, at the public inquiry. Obviously, that is a matter for the public inquiry, but it does make us all realise there is quite a lot of work to do in this area. I think the work is around, on the one hand, establishing what the relevant standards are and making sure that they are up to date and appropriate and that people are following them. But more than that, it's probably about the transparency of how products are described and then how products are utilised when they go into buildings. In that sense, it is genuinely a system challenge. It is not enough just to have a product that is properly described; this is also about the design of the building, the incorporation of that product into the building and the quality assurance of that. In addition to the work that OPSS is doing with regard to the actual products, the building safety regulator being established within the Health and Safety Executive will have that broader responsibility, so we are working very closely with them.

I will say just one more thing, which you touched on and which is a genuine challenge here. I have already talked about the way consumer products exist in the home for a long period of time and therefore we need to have effective methods of recall and communication. All those issues are very, very significant in terms of construction: products are not only incorporated into buildings with a long lifetime; they can also be incorporated so far into the building that they are not easily remedied. That places even more importance on having a good system at the heart, at the beginning, of that process.

Yes, we have been given this additional responsibility. We are at the beginning of it. We do take it very seriously. We are not responsible, in that sense, for remedying the past, but we are responsible for making sure that products put on the market going forward are compliant.

Q50   **Chair:** Presumably you will have to work also with planning authorities in order to try to navigate the way through on this.

Graham Russell: I think I would say that the building safety regulator has the responsibility for connecting that network of people: building control, planning, fire officers, their own work—the various gateways. And I am sure that, at the appropriate time, they can describe that. Our responsibility is for a part of that system—ensuring that the products that are being placed on the market are compliant, properly labelled and properly traceable.

Q51   **Chair:** How long will it be before this regime is up and running? We have already had a long time lag from the tragedy of Grenfell to thousands of people still living in homes with all these challenges and with life-changing bills facing them. How long will it be before you can say, with surety, that new products coming on to the market in the building and construction industry will meet these new standards?

Graham Russell: We have started work on that already. We have focused our initial work on the areas of most concern, and we are working very closely with our colleagues in MHCLG on the prioritisation process. I think it's too early to say what—

Q52   **Chair:** We are not expecting a specific date—we would rather you get it right—but on the other hand there is an imperative too. You've got to juggle both getting it right and reasonable speed. Were we talking several years, a decade? It is probably not a decade, but can give us a ballpark figure for how long you think it might take? We won't hold you to a specific date, but I think that, really, people out there who are going to be buying a new property want to know when your surety will be part of the building regulations around that property.

Graham Russell: I don't want to give a flippant or unhelpful answer, but in my view as a regulator, it is imperative now that people putting products on the market are able to give absolute assurance that those products comply with relevant requirements and are properly labelled and properly traceable. I don't think this is quite answering the question—I apologise—but I don't think I want to say that they can start getting that right in six months' time or 12 months' time. I think—

Q53   **Chair:** That is a fair point, but if I was a cowboy builder now and I was trying to put some product up, how quickly would you be able to catch me? Or, indeed, if you are a reputable builder, but working in a sloppy system, how quickly will that system change, so that somebody moving into a home will know that there is a system in place? I appreciate that, from what you are saying, there may be things you can do right now on some products, so perhaps you could give us an idea of that, but then how long will it be before a whole-system change can go through? We appreciate that it is a difficult job that has landed with you, and we all want it to be successful, but it is now four years since the tragedy, so we just want to get a rough idea. What will happen now on products, and when will you look at the whole system, roughly? I imagine it must be more than a year, for a start, but that is my guesstimate as an outsider.

Graham Russell: I think there are three things to say, if I may. The first is that frontline trading standards officers already have responsibility for the construction products regulations, and we are working with them on their responsibilities. In that sense, it is not the beginning of something that did not exist before. The second thing is that we have put in place immediate prioritised action that focuses on the products of most concern associated with Grenfell Tower. The third thing I probably ought to say is that I will work with my colleagues in MHCLG to write to the Committee to give a fuller answer to this question.

Q54 **Chair:** I think it is absolutely imperative that we have some certainty about when this is going to happen, because the Government have made great play of giving you this responsibility and making sure that the system is safer, so we really need to know, as do the people living through the hell of being in those buildings now, so thank you for that. We will take this offline and pursue it further with our sister Committee, the MHCLG Select Committee, because we are both very concerned about this.

To both of you, but perhaps Ms Munby particularly, trading standards has been mentioned often, and as a great ally in this battle, but the NAO Report demonstrates—along with our experience as constituency MPs, as Mr Mackinlay touched on—that there have been huge cuts to trading standards, with a 39% decrease in funding in recent years. Trading standards is very variable across different local authorities, because it is not a ring-fenced budget, so councils under pressure with social care or whatever find that they will cut trading standards. We can see huge differences between neighbouring London boroughs, for example, which have similar issues but very different-sized teams. What are you doing, Ms Munby, in Whitehall to champion this issue? It is not your departmental responsibility, but the OPSS work is, so how hard are you pushing it? You have been parading how good it is, but it is not good enough yet, is it, because it has just not got the resources?

Sarah Munby: To your question, "How hard are we pushing it and how are we pushing it?", first of all, I should say that of course we are not the only Department that has a relationship with trading standards. There are other people involved here too. It comes back to the point I was describing earlier, around the task and finish group that MHCLG has set up. I think that is the vehicle that we are using to have a discussion around the fact that there are many pressures on local authority regulatory services. It is very easy for me to say, "This one needs more money, this one needs ring fencing," or this, that and the other. This is a problem that needs to be looked at in the round, and central Government has to have a clear view of what it does and does not prioritise, and how that feeds through into action on the ground. We absolutely see our role in that as making points around, "What does the system look like for product safety specifically?"

I must say that the bigger part of our effort is on making sure that we make the best of the funding that is available.

Q55 **Chair:** That is a very good mandarin answer. We were giving you an open

goal there to ask for more money for this very important issue. The brutal reality is that, if trading standards are also partly responsible for things like the very serious issues around cladding and you have all those other bodies involved—building regs and so on—without the right resource, some of these things could still go wrong, couldn't they, with overstressed inspectors on the ground?

Sarah Munby: That is true. If I may, though, we have talked about some of the specifics here today, but in general, most of the big product risks that trading standards have spent a lot of time on are getting better. There are fewer fireworks accidents coming into A&E, and that was true even before the pandemic. There are fewer fires caused by furniture, there are fewer fires caused by white goods, and so on.

That is not to say that that means it is totally fine that trading standards can be cut to the bone—I am not suggesting that—but the system of product safety, except for the issue that we discussed about online platforms, where really the question is not trading standards resourcing and that is not the answer to solving the marketplace—

Q56   **Chair:** We appreciate that, but it is still a significant part.

Sarah Munby: But the rest of the system is getting better. Products are safer than they were. There are fewer problematic incidents and accidents. I do recognise that resourcing has gone down, but I don't recognise that we are facing a product safety crisis. In fact, product safety is in better shape than it ever has been.

Q57   **Chair:** Ms Munby, without being tricky, no one realised before Grenfell—people in Whitehall. Permanent secretary after permanent secretary did not have Grenfell as a regulatory issue on their agenda in MHCLG. MHCLG did not see itself as a regulatory Department. Something could be coming down the line. I hear what you are saying, but we are concerned. You have picked up our concern about this.

Sarah Munby: Could I comment on that point specifically? There wasn't a clear responsible regulator for construction products. OPSS does have a default product safety for other things, so there isn't another gap. That doesn't mean we might not miss an unsafe product because of lack of data or a lack of engagement with the NHS and so on, but there isn't another construction products-shaped gap coming down the line, because Graham has the privilege of being the regulator of last resort.

Q58   **Chair:** Mr Russell, that is a huge weight on your shoulders—"It is all going to be alright because Graham Russell is in charge." I hope that is the case, Mr Russell, but it is a big weight for you to bear.

Let me come to you, Mr Russell. You have been going three years. You are really quite a small regulator for the huge challenges you have got. You have a lot of other moving parts. In your view, what would you like to have, in terms of law, extra powers or, indeed, additional resources—be that skills or money—if I were to ask you now for the top three things on your wish list? That is not to be disloyal to the Department or the Government, because I know money is not going to grow on trees, and we

are a Committee that watches how money is spent. You have grown from a very small organisation to something a bit bigger in only three years and you still have a lot of challenges ahead. What would you like to have to be able to do your job better?

Graham Russell: Thank you for the question. I am still staggering under the weight you have just placed on my shoulders, but I will try and answer.

Chair: There you go, Ms Munby. A demanding boss, there.

Graham Russell: Yes. I think three things. One would be what we have touched on quite a lot in this discussion—a medium-term resolution to the challenge of making sure that people are safe wherever they buy their products. We have talked about a number of things that we can and are doing to achieve that. We have put a lot more enforcement activity into that space. We do a lot of work already, but I think we need to have a combination of legislation, implementation and enforcement.

Everything in product safety is a system. I don't think that it would be appropriate to try to create a regulator that tried to be that system. The system is that people design products, they make them in accordance with standards, the standards are held up as a way of producers delivering their responsibilities, the regulations place essential safety requirements on those people, those products are then created, there is accreditation, there is supply, there are checks and there is consumer information, consumer use, monitoring in use, recall, and then waste disposal, which we could also talk about.

That is a complete system, end to end. In that system, my organisation, trading standards and other regulators are not the people who make the system work; the people who make that system work are all the people in it. So, my job is to empower that system, rather than to try and replace it.

In that sense, I think online is challenging, because the system is not seen to operate in the same way as it operates in other markets. My first wish would be to resolve that. Then, my second and my third wishes would be on two issues that came up in our conversations with the National Audit Office. They are in the Report; they are items that we had already focused on and we have found it really helpful to gain the focus that the NAO has brought.

The first of those two—the second thing on my wish list—is data. We do an enormous amount of work on data, but data is a regulator's eyes and ears; it is the oxygen we breathe. And we can never have enough data. We have touched already on NHS data; I touched briefly on London Fire Brigade data. But there is data from all sorts of people, including businesses themselves and consumers.

We need to make further progress on how we acquire all that data. There are lots of reasons why acquiring data is difficult: legislation, technology, often culture. But we need to solve those problems. We have recently signed 16 MOUs with other parts of Government, but we need to take that

further, into the civil sector if you will; that is why that pilot is so important.

Then, having acquired the data, we need to make sure that we are analysing it well, and then we need to make sure that we are disseminating it. Generally speaking, it won't be us that uses it; it will be other people, whether that is regulators, businesses or consumer groups. But using that data most effectively matters.

I am a great believer in empowering people through information. I think that if you can give consumers the information—

Q59   **Chair:** You are preaching to the converted here, Mr Russell; if we had a fiver for every time we mentioned data in Government, we would be sunning ourselves somewhere. And the third thing on your wish list?

Graham Russell: Sorry, Chair. The third thing would be the way that we measure the impact of what we do. We have known that this is a challenge. In fact, I think an NAO Report of 2016 identified regulators having a challenge in measuring impact, because of the diffuse nature of what we do, the long-term impacts and the way that those impacts are attributed.

We are working very hard on that, but I think that if we can solve it in the next period so that we can really identify what works—doing this has this effect, it costs this much and it has this much benefit—it would empower us in our prioritisation, and it would also build confidence and trust.

Q60   **Chair:** That is great, but do you think you need any new legal powers?

Graham Russell: I think that the product safety review that we are currently carrying out will look at that. I think that probably the powers will be in those same three areas, predominantly online.

Chair: The review means that we will probably come back to this as a Committee to see how things have gone, or will certainly work with our sister Committees. I will pause there and hand back to Sir Geoffrey Clifton-Brown.

Q61   **Sir Geoffrey Clifton-Brown:** Ms Munby, in order to solve the problem of the 2 million-plus lorries that Ms Olney raised—the issue of coming in from the EU—wouldn't it be just simpler if we accepted that for any goods coming in from the EU, the EU's consumer standards regulations would apply?

Sarah Munby: We did put mutual recognition on the table during negotiations. It wasn't part of the end agreement.

Q62   **Sir Geoffrey Clifton-Brown:** So that issue has gone now and we have got to have our own regime, have we?

Sarah Munby indicated assent.

Q63   **Sir Geoffrey Clifton-Brown:** Yes—okay. Mr Russell, we have touched on various laboratory testing; I raised the issue of laboratory testing for

health sanitiser products and Ms Olney raised that of fireworks. Are there any particular gaps in our laboratory testing for any particular group of products or any particular products?

Graham Russell: The short answer is that we are not as robust as I would like us to be across quite a wide range of products; I don't particularly want to list them here, because I don't particularly want to identify the areas where we need to do more. But we are building in our laboratories in Teddington the ability to test across a wide range of products, principally for screening. However, then we also need to make sure that there are laboratories in the UK, or laboratories that we can access outside the UK, for the accreditation services that we described earlier.

It is imperative that there is a better scientific understanding of the risks that products create than we have at the moment, so we are investing heavily in that. I think we will have spent £4.7 million over a three-year period by the end of this financial year. However, that is in a sense just the start.

Regulation of products is essentially an evidence-based activity, and that evidence is about having good scientific understanding, based on good testing. I employ quite a lot of scientists in my organisation—probably nearly as many scientists as enforcement officers—because it is as much about understanding as it is about enforcement. The short answer to your question is, yes, we are trying to close those gaps with our own capacity, but we are also working with colleagues across the public and private sectors.

Q64   **Sir Geoffrey Clifton-Brown:** Your answer has partly answered my next question. There is a host of new technologies coming along—complex IT, AI and nanotechnology—which will involve more complicated consumer products. You mentioned those scientific skills, but do you think your organisation has a sufficient range of scientific skills to deal with those products when they come on to the market?

Graham Russell: I think there are two answers to that. The first is that I don't expect that we can build all that scientific capability within OPSS. We have just appointed a register of scientists, and we have also appointed a science advisory group that advises particularly on cosmetics risks, where the science risk is most prevalent. We work with 12 academic institutions in a research hub, so we are not trying to internalise all that; we are trying to identify the best of best practice in British universities. We have just had two academic secondees into the organisation to try to bring that knowledge within the organisation.

The second answer is that, although we are a regulator, we are also interested in the way that safe products come to market. If I might be so bold, I would love to invite any members of this Committee who are free—we will send you the details—to an event we are holding in September, which we are calling "2050: Fridge of the Future". We have a number of academics, industry people and others together to think about what a

fridge will be like in 2050. We have identified a fridge because it is ubiquitous in our homes and essential to the way we live our lives.

We have already talked in this Committee about the internet of things, connected products and smart products, and you have identified nanotechnology. I have some pictures of what some people think a fridge might look like, and it is not much like a fridge today. It is a gloopy thing that you put your product in and take it out from; it is intelligent and does all sorts of clever things. I don't know—I am not a scientist—but I think it is imperative that we work with people who are looking into the future so that we don't change regulations in 2050 and wish we had got it right, but change them now so that those brilliant people can bring great products to market in the UK first. That will enable us to be a world-leading country, not just in regulation but in innovative products. We have seen that today with the gigafactory that is being announced. I think regulation can play its part in all the big agendas that the UK faces.

Q65 **Sir Geoffrey Clifton-Brown:** So as well as scientists, to take you back to your answer at the beginning, I think you said you have just taken on 10 new chartered engineers. What a lot of companies are finding these days is that they need chartered engineers who have a range of skills. They might need electrical skills, mechanical skills and chemical skills to combine into one product. Is that something that you have looked at when you have taken on these new chartered engineers?

Graham Russell: It is. We have a well-considered recruitment strategy. We work closely with the BEIS chief scientific adviser and his colleagues across Government so that we can identify what those skills are and where they are going to be sourced from.

If I had a fourth wish when the Chair gave me three, it would have been something to do with having access to adequate competences. There will always be that need, whether it is frontline enforcement staff, engineers, scientists. There is always a shortage of the key skills. We are investing heavily in training our own, and that is a long-term piece of work, but obviously at the moment we are very new. We look to multi-skilled engineers and, where we haven't got them in house, we look to having great relationships with them outside.

Q66 **Sir Geoffrey Clifton-Brown:** Inevitably, you are never going to be able to have, in your own organisation, all the skills that come along with emerging technologies, but presumably you are able to go, either in this country or around the world, and buy them. Again, doesn't that come back to what the Chair was raising—a question of resources within your organisation? Is emerging technology an area where you have sufficient resources?

Graham Russell: I don't want to appear in any way cheap here, but what we find is that academic institutions are very keen to work with us, so we have had these secondees and we have this research hub. There is also— my colleagues in BEIS will probably know this better than I do—a massive investment on the part of Government in research in some of these

technologies. What I don't want to do is create a separate stream for regulatory understanding. I want to tap into that broader stream of innovation understanding, working with ARIA and other research organisations. Significant resources are being put into exactly the things you are describing.

My goal would be to make one conversation where we think about how we make these products safe, smart, net zero, and all the other things we want to achieve, rather than having a separate conversation saying, "Right, we have got these wonderful new products. How do we make them safe?" Making them safe should actually be part of that first conversation. Sarah might want to come in on the research approach more generally.

Sarah Munby: On talent, I would make the fairly-obvious-but-worth-triple-underlining point that data capabilities, scientific capabilities, engineering capabilities and so on are a problem not just for Graham and for me, but for the civil service as a whole. The work that is being done civil service-wide to improve our offer and to think about how we attract the best of the best in those fields is really, really critical. Graham can expect to be a beneficiary of that, but he is far from the only one. We need not just to take the best of the existing people in the civil service, build them up and give them more skills and capabilities in these areas, but to attract fantastic people from outside the civil service as well. While I have the soapbox, I think it is worth triple underlining that point.

Q67 **Sir Geoffrey Clifton-Brown:** That is really helpful, Ms Munby. I have a final question. Mr Russell, I want to come back to the questions that the Chair asked you about cladding. Although the building regulation system regulates what can go into buildings and you cannot control that, you do control product safety and, presumably, work very closely with the Building Research Establishment to define what that is. That is a massive role in the building industry; there are so many new products coming on all the time. How do you manage that workstream?

Graham Russell: Interestingly, I met the chief executive of the BRE two weeks ago and had almost exactly this conversation, so the question is very pertinent. If you are talking about the safety of the products that are made to build a building, that is what we are calling "construction products", and that is what we have taken on recently on behalf of the Ministry of Housing, Communities and Local Government.

The product safety areas that we already enforce are more to do with consumer products, but there is quite close interface between those two. For example, smoke detectors and fire alarms have product safety aspects, in terms of whether they can harm people, but they also have building safety aspects, in terms of whether they do their job. One of the benefits of us doing both those tasks is that we can look at that product in the round and make sure that it is delivering all those aspirations.

Chair: Thank you very much, Sir Geoffrey. May I thank our witnesses very much? This is really a very important emerging area of work. Three years sounds like a long time, but it is a big job to get around all the regulatory

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issues that the OPSS has to deal with. I thank our witnesses Sarah Munby, Jaee Samant and Graham Russell for their time. The uncorrected transcript will be put up on the website in the next couple of days, and it now likely that our report will be out after the summer recess as we have only three weeks to go. We will continue to keep an eye on this with our sister Committees, the Housing, Communities and Local Government Committee and the Business, Energy and Industrial Strategy Committee. Thank you very much indeed.