



Office for Product
Safety & Standards

Office for Product Safety and Standards Delivery Report

2020/21



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Foreword





I'm pleased to present this Delivery Report from the Office for Product Safety and Standards (OPSS), that places on record the excellent work undertaken to protect people and places and enable responsible businesses to thrive in product markets.

This report covers 2020/21, a year of course heavily dominated by our collective response to the COVID-19 pandemic. For OPSS, as across government, resource was reprioritised to respond to the pandemic. OPSS worked with the Health and Safety Executive and the Medicines and Healthcare Products Regulatory Agency to join up regulatory activity, supporting the supply of safe protective equipment to healthcare professionals whilst disrupting the supply of unsafe and non-compliant products. Building on its work over many years coordinating local and central government through Primary Authority and other initiatives, OPSS also coordinated the work of local authority regulatory services in their important role enforcing the essential restrictions on business which were put in place in response to the pandemic.

2020/21 marked the end of the transition period with the EU, an opportunity for Global Britain to forge new relationships and take advantage of the freedoms to do things differently. OPSS delivered a shift in the product regulation system to enable the UK to make its own decisions on what works for the UK and began the work on designing a new product safety framework, designed to place the UK at the cutting edge globally.

Alongside all of this, OPSS's focus on risk-based regulatory activity continued, on small magnets that pose risks to children, on toys and electricals sold online and monitoring recalls in the white goods sector, helping to keep us all safe in our everyday lives.

I am pleased to see the impact of OPSS over 2020/21 and I look forward to continuing to work together with our partners to make the product regulation system work.

A handwritten signature in blue ink, appearing to be 'Paul Scully', written in a cursive style.

Paul Scully

Parliamentary Under-Secretary of State,
Department for Business, Energy and Industrial Strategy

Introduction



The Office for Product Safety and Standards (OPSS) was established in January 2018 to deliver consumer protection and support business confidence, productivity and growth. We regulate a wide range of products with a focus on their safety, integrity and environmental impact. We work with local, national and international regulators, with consumer representatives and with businesses to protect people and places and to support compliance. We are committed to transparency in our regulatory approach, and this delivery report sets out our delivery over the period April 2020 to March 2021.

Our mission

Our mission is to be a trusted product regulator for the UK. This means protecting people and places, enabling business to thrive and empowering consumers to make good choices. We will be a leader of good regulatory practice and will co-ordinate national and local regulation across the whole of the UK.

Our responsibilities

We are the national regulator for product safety, providing scientific and technical capability, enforcing in relation to cases that are nationally significant, novel or contentious, and working with local authorities, other market surveillance authorities and border control authorities to keep consumers safe and ensure business compliance. We lead from policy to delivery, with responsibility for the policy framework, scientific, technical and incident management capability, and national enforcement.

We are the national regulator for legal metrology, responsible for policy and implementation of the regime which ensures weighing and measuring equipment is accurate, including through verification of instruments. We also guide the work of local authorities to give confidence to consumers and businesses in goods traded by quantity.

We sponsor the British Hallmarking Council, delivering confidence in the market for precious metals.

We provide national capacity for product safety and legal metrology, supporting local regulators, including at the border, to keep consumers safe, reinforce business compliance and provide confidence in goods traded by quantity.

We work with local regulators to help simplify local regulation and enable businesses to succeed through Primary Authority, principally helping local regulators to engage with business in ways that protect people and places and enabling businesses to invest based on advice they can trust.

We lead government policy on market surveillance and standards and accreditation policy. We work with the British Standards Institution (BSI) and the United Kingdom Accreditation Service (UKAS), providing benchmarks for the manufacture of safe products and assuring the quality of testing, calibration and certification services.

We are responsible for ensuring the delivery of regulatory decisions repatriated from the European Union (EU) within our areas of policy responsibility, ensuring that approvals, designations and delegated decision making are effective and timely.

We are the UK government's enforcement authority for a range of other goods-based and standard-based regulations. We enforce energy efficiency and environmental pollution requirements in product design and performance, standards and measurement in the energy supply infrastructure, and due diligence in the trade of designated raw materials. This protects consumers and the environment and helps to meet international commitments to conserve biodiversity and reduce illegal deforestation. During this reporting period, we took on the role of co-ordinating local authority enforcement of COVID-19-related business restrictions on behalf of the Cabinet Office, alongside the Department of Health and Social Care.

We work with the Foreign, Commonwealth and Development Office in key partner countries to support the development of regulatory environments that provide opportunities for UK businesses to trade around the world.

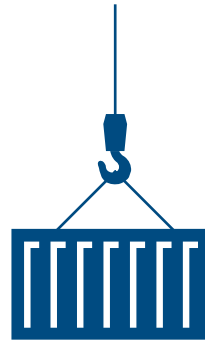
Effective development and delivery of policy and regulation across all these areas protects consumers and enables them to make informed purchasing decisions, provides industry with confidence when trading in the UK and in international markets, and delivers against the government's international commitments – for example, on global environmental protections.

The government announced in January 2021 that OPSS would become the national regulator for construction products accountable to the Department for Levelling Up, Housing and Communities, as part of wider reforms to address systemic failings identified by the Hackitt Review.

Key delivery statistics



2,732
product safety notifications submitted on our product safety database



5,637
consignment checks at the border co-ordinated by OPSS, with **43%** identified as unsafe or non-compliant and **14.7** million items refused entry to the UK



285,000

cosmetic product notifications on our 'Submit Cosmetic Product Notifications' service, with over **10,000** users and over **8,300** businesses signed up



3,183
frontline officer training days provided to delegates from over **200** local authorities, including **5** training sessions for market surveillance authorities

404



new product safety allegations and queries co-ordinated, with **99.8%** fully resolved and closed



139
calibration certificates issued



56
sets of lottery balls tested



3,853
taximeters tested for Transport for London



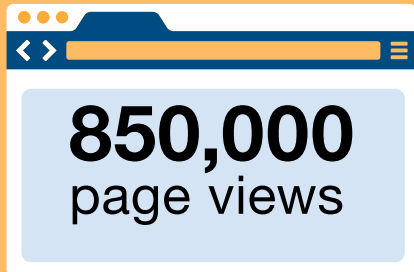
107,000

businesses benefiting from Primary Authority, with a further **315** businesses joining Primary Authority in 2020/21



450 days

of international technical assistance delivered, including an international conference on regulatory reform to over **300 delegates** representing **51 countries**



850,000
page views

...on our **OPSS GOV.UK** website, with **148,000** page downloads for content

4.47 million

potential reach of our product safety campaigns, with **14.88 million** potential impressions

13,200

user sessions on the Regulators' Companion website which we fund for local regulators, including over **350 pages** of content and over **58,000 views**



16

memorandums of understanding signed with other parts of government to agree ways of working and routes for data sharing

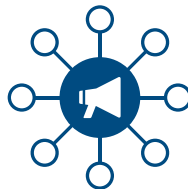
5

training sessions delivered for market surveillance authorities, with over **200** external delegates



4,032

BSI standards accessed by trading standards officers



£660,000

invested in growing our scientific evidence base to help develop policy, improve regulatory compliance and make our consumer awareness campaigns more effective

£1.45 million



of funding provided to **16** local authorities for checks at key UK ports



17,000
enquiries

dealt with, responding to **87%** of general enquiries across all our legislative areas within **5 days**

Strategic approach



Our strategic approach is based on four pillars: Enforce, Inform, Analyse and Build.



Enforce:

We use the full range of tools and powers to maintain protection, fairness and confidence, enforcing the law and promoting compliance.



Inform:

We give information, guidance and advice to help businesses comply and inform consumer choices.



Analyse:

We make the best use of scientific evidence, data, risk and intelligence, analysing situations and understanding problems before choosing a solution and evaluating our impact.



Build:

We build the frameworks, tools, systems, partnerships and skills for the future.

Enforce

We use the full range of tools and powers to maintain protection, fairness and confidence.

No regulation is effective without adequate and appropriate enforcement. We enforce throughout the lifecycle of products from design to disposal, and across multiple regulatory systems on safety, accuracy and environmental harm. On product safety and metrology, we work alongside local regulators and lead on national, novel or contentious issues. In other areas, we are the sole enforcement authority, sometimes acting for other parts of government on a cost recovery basis.

We are guided by three principles: the importance of protection, a commitment to partnership and a focus on practical, real-world impact. Our activities and impact are described in this delivery report, which highlights key achievements over the 2020/21 financial year and maps them against our four strategic objectives.

Areas covered by regulation enforced by OPSS

In 2020/21, we were the enforcement authority for a range of product regulations, including on behalf of the Department for Business, Energy and Industrial Strategy, the Department for Environment, Food and Rural Affairs, the Department for Transport, and the Office for Zero Emission Vehicles. These regulations cover the below responsibilities

reducing energy consumption

and greenhouse gas emissions from products



minimising levels of **hazardous substances** in electrical products and batteries



maximising **recycling of electrical products** and batteries



reducing noise pollution from products



reducing energy consumption by introducing **metering** and billing requirements for heat networks



ensuring **accuracy** of electricity and gas meters and weighing and measuring instruments

ensuring the **electric vehicle** charging infrastructure meets minimum standards and can be easily accessed



increasing access to **fossil fuel alternatives** by ensuring refuelling stations and vehicles are labelled accordingly for such fuels



ensuring **raw materials** for products are sourced legally and do not contribute to environmental detriment, illegal or illicit practices



Full details of these regulations are available at [GOV.UK](https://www.gov.uk).

Checks on compliance

Based on risk, we undertake checks on whether individual businesses and others covered by the regulations are meeting their compliance obligations. Checks include conducting inspections of premises and goods, checks on technical documentation and business records, and testing of products.

Where non-compliance is identified, we are committed to responding in a manner that is timely and proportionate to its nature, severity and circumstances, as set out in our enforcement policy. We take account of the need to act quickly to prevent or minimise risks to public safety. Our aim is to enforce in a way that is fair and objective while also being robust, credible and consistent with the purpose of the legislation.

We provide guidance and advice as a response to non-compliance or a potential safety issue, where we consider this to be proportionate and where we think it will be effective in achieving compliance. We also have a wide range of statutory enforcement actions available. These are dependent on the legislation we are acting under, and we use them where it is proportionate and necessary. Details on compliance checks are provided in annexes available online, and our [annual record of enforcement actions is published online](#).

COVID-19 pandemic response

Throughout the COVID-19 pandemic, OPSS worked collaboratively with partners to protect people and support businesses in our position at the heart of the UK's product regulation system.

Personal protective equipment (PPE)

OPSS is the policy owner for safety of personal protective equipment (PPE). Regulatory issues relating to the global supply shortages of PPE were a priority, following the unprecedented and immediate demand in early 2020 which led to the increased risk of non-compliant and unsafe products entering the market. The pandemic required a rapid response from across government, local regulators and others, and OPSS activity included providing information, guidance, technical insight and clarity.

PPE: Regulatory Co-ordination Cell

We led the creation of a Regulatory Co-ordination Cell comprised of the UK regulators with a responsibility for PPE: OPSS, the Health and Safety Executive, the Medicines and Healthcare Products Regulatory Agency, the Health and Safety Executive Northern Ireland, the Office for Nuclear Regulation, and PPE Make (PPE task force).

The Regulatory Co-ordination Cell was focused on rapidly resolving regulatory issues related to supply of PPE and medical devices, by bringing together all the relevant regulators to agree co-ordinated approaches and policy positions. This included providing specialist technical and policy advice required by the Department of Health and Social Care and the Cabinet Office. The Regulatory Co-ordination Cell published advice on face coverings for use by the public under the General Product Safety Regulations 2005, assisted on advice relating to repurposing and cleaning PPE and medical devices, ensured regulators were joined up for

recalls and safety alerts – for example, due to undisclosed latex and fake products – and advised on a range of novel products including isolation tents, visors, transparent face masks, UV wands and air cleaning technology. The Regulatory Co-ordination Cell also oversaw regulatory clearances for PPE at the NHS Daventry distribution centre between April and August 2020. OPSS built a database and supporting processes, which facilitated joint regulatory decision making and efficient flow of information between key stakeholders, including eight government departments. This database was used to track progress and co-ordinate regulatory approval for billions of pieces of PPE destined for the NHS supply chain.

Between April and August 2020, OPSS, the Health and Safety Executive, and the Medicines and Healthcare Products Regulatory Agency **co-ordinated checks on 2.2 billion items of PPE** for the NHS, providing capability to support the Department of Health and Social Care, private sector and military personnel responsible for PPE supply to the NHS. 1.3 billion items of PPE were not released to the NHS as they were unsafe or non-compliant. From August 2020, OPSS stepped back from this role, as capability had been built within the NHS supply chain partners.

Disrupting supply of unsafe consumer products

Our intelligence unit produced regular strategic and tactical threat assessments on changes to the product market related to the pandemic, and identified the threat of large volumes of unsafe or suspect PPE not destined for the health service entering the UK through airports.

Working closely with local authority trading standards and Border Force, OPSS deployed enforcement officers to deal with referrals of suspect PPE and provided technical and risk assessment advice to frontline officers, ensuring safety and compliance checks could be made before PPE entered the UK. **4.1 million items** of targeted PPE were inspected for product safety compliance, of which 3.1 million were prohibited from being placed on the market in the UK, as they were unsafe.

OPSS was deployed to Heathrow, working closely with Hillingdon Trading Standards on a major Border Force project to target cargo deliveries from high-risk exporting countries. This resulted in the detention of over £1.5 million worth of goods, including 18 consignments relating to product safety.

Non-compliant PPE also entered the online market last year. In response, we took the lead on online investigations given this was a significant national issue. We set up disruption tactics focusing on online platforms, looking at 11 platforms, as well as conducting searching on social media. In total, **1,160 products in terms of suspected online sales of hand sanitiser and PPE were investigated**. Of these, **551 were delisted from sale**, with OPSS working closely with major online platforms such as Amazon, eBay and AliExpress. A further **88 products** were brought into compliance.

Hand sanitiser

Similarly to PPE, sales of hand sanitising fluids were unprecedented, leading to shortages in raw ingredients and requirements to facilitate the increased production of safe products. With a focus on consumer safety, OPSS led

co-ordination across regulators, providing business guidance that detailed Health and Safety Executive regulatory easements, to review products that may be ineffective or contain toxic ingredients. We also undertook product testing to identify if ethanol-based products contained potentially toxic and carcinogenic substances. Analysis from this work was compiled and passed to the Health and Safety Executive as the appropriate enforcement body for the Biocidal Products Regulations.

Business restrictions

Following the national lockdown, the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020, referred to as COVID-19 regulations, came into effect in March 2020. Having been commissioned by the Cabinet Office and the Department for Levelling Up, Housing and Communities, we immediately mobilised staff to support regulatory services across England to work through the enforcement implications, notably responding to **3,700 local authority queries** in relation to business closure regulations. We contributed to the development and amendments to the regulation guidance, feeding in recurring issues identified. We issued and analysed COVID-19 enforcement monitoring surveys, receiving an 80% response rate, to collate data from all local authorities in England which was used as evidence for legislative changes and funding decisions.

Better Business for All (BBfA) and Primary Authority, operated by OPSS, were utilised by local authorities across the country to provide regulatory advice to business, with the Heart of the South West BBfA programme working with the local growth

hub to create COVID-19 toolkits and EU Exit support. The Eastbourne Hospitality Association launched a COVID-19 safe scheme, using their Primary Authority partner and local BBfA partnership to support the rollout. Additionally, eight fast-response Primary Authority panels were established, allowing local authorities to discuss common issues and to provide access to real-time intelligence and insight from the frontline, supporting over 200 businesses and thousands of premises across the following sectors:

- warehousing, logistics and distribution
- homeware, hardware and non-food retail
- hospitality (joint – leisure, licensed premises, restaurants and hotels)
- home improvements and building supplies
- caravans
- vehicle sales

As non-essential retail reopened from June 2020, we refocused our attention on areas entering local lockdown, using established BBfA programmes to offer direct support to regulatory services and setting the blueprint for engagement with other localities in need of intensive support at pace. Once the UK roadmap was announced in February 2021, we provided local authorities and English businesses with clarity on how and when they would be able to reopen in line with new regulations. When restrictions began to lift in March 2021, we provided insight and expertise to other government departments, collating queries and responses, drafting template notices, designing, and delivering training for enforcement officers. We also regularly hosted live briefings for regulatory services to provide clarity and address common areas of concern for around 1,000 local

Primary Authority panels to coordinate regulation



Warehousing, logistics and distribution



Homeware, hardware and non-food retail



Hospitality (joint – leisure, licensed premises, restaurants and hotels)



Home improvements and building supplies



Caravans



Vehicle sales

authority officers at a time, delivering nine briefings in total, with a cumulative viewing of over 5,565 attendees.

We undertook local authority officer training for newly recruited COVID-19 marshals and ran base-level refresher sessions on business restrictions regulations, use of the new powers, evidence gathering and serving notices. Our local delivery team delivered training on these areas to over 2,100 local authority staff, and in the process supported enforcement of the regulations at local authority level and promoted consistency in application of the requirements.

Product safety enforcement

Local authority regulatory services conduct the majority of product safety enforcement, working with businesses in their locality to improve compliance and deal with non-compliance. OPSS has powers to enforce product safety regulations where appropriate. Examples of our enforcement activity over 2020/21 primarily involved COVID-19-related product safety risks around PPE and other products resulting from the pandemic, as well as work with local regulators to tackle safety concerns and non-compliance on issues such as cords in children's clothing, small high-powered magnets, asbestos and CBD oils in loose cosmetic products, small electricals, toys and scatter cushions.

Co-ordinating national product recalls

OPSS provides national incident response on product recalls by businesses where issues are nationally significant, novel or contentious. We continued to have oversight of two national recalls for Whirlpool products, following the intention to serve a recall notice in 2019. OPSS continued to use its powers to issue statutory information notices, requiring Whirlpool to provide regular data updates to OPSS and detailed data on the quality assurance processes used when carrying out field modifications of affected machines. OPSS engineering, data and scientific experts provided scrutiny. In relation to Whirlpool washing machines, as of October 2020, **263,571** potentially affected customers had come forward since the recall campaign was announced. Of these, **183,957** cases of the affected machines have been fully resolved, either by machine replacement (181,301) or modification with replacement parts (**2,656**). [Latest figures are available on GOV.UK.](#)

Likewise, for tumble dryers, as of October 2021, **124,220** affected customers had come forward and **108,980** cases were resolved, of which over **77,000** consumers had their tumble dryer machines replaced free of charge. [Latest figures are available on GOV.UK.](#)

Small high-powered magnets

During 2020/21, using the principles contained in the published OPSS incident management plan, we co-ordinated activities to deal with safety issues related to magnets, specifically small, high-powered magnetic products that are often used in children's toys, adult toys and gadgets, as well as fake body piercings which when ingested or inhaled can cause significant and permanent damage to internal organs. In response to increasing concerns, we invoked our incident management plan in February 2021. We undertook a review of evidence from our product safety database, RAPEX (EU rapid alert system) and open and closed intelligence sources, culminating in the production of a literature review and intelligence profile. We also identified a range of products for testing. A risk assessment was developed to assess the severity of the hazard presented and likelihood of occurrence to determine risk level. To increase awareness of the issue and encourage market surveillance, reporting and action, we liaised with trading standards and environmental health officers in local enforcement authorities and launched a communication awareness campaign on social media, highlighting the risks presented by small, high-powered magnets and the symptoms parents should be aware of. This was carried out in conjunction with the Child Accident Prevention Trust, the Royal Society for the Prevention of Accidents, the Chartered Trading Standards Institute and the NHS. The work continued into the next reporting year.

Access and benefit sharing

We are carrying out extensive research to provide more detailed information on entities activities prior to completing an enforcement inspection. We have also updated our procedures to make better use of the powers we have, and before an inspection we will require each entity to provide a list of all research projects involving genetic resources, whether or not they consider the activities to be in scope, using the Nagoya Protocol (Compliance). During 2020/21, we initiated engagement with **25 organisations**, resolved **36 access and benefit sharing-related enquiries** and conducted **6 awareness-raising webinars**.

Safety alerts and information sharing

Sharing data on safety risks in real time is important for identifying and managing product safety cases and incidents. During 2020/21, we facilitated the transition from the EU market surveillance systems, EU Rapid Information System (RAPEX) and Information and Communication System on Market Surveillance (ICSMS), to the UK product safety database. The product safety database enables OPSS, local authority regulators and other enforcement bodies to notify unsafe and non-compliant products and share access to live incident information, enabling rapid alerts to be issued and cases to be investigated effectively.

During 2020/21, our incident management team co-ordinated **404** new product safety allegations and queries. Appropriate actions were taken and **99.8%** of cases were fully resolved and closed.

Product safety notification

During 2020/21, the UK contact point co-ordinated **2,732** product safety notifications submitted on the product safety database. Of these:

237

products were reported on RAPEX, and

66

products published on new UK product safety reports

266

face masks and

303

hand sanitisers were notified to the EU on ICSMS before the end of the Transition period, following OPSS COVID-19-related enforcement activity

Over

2,600

products were identified as unsafe overseas and triaged for impact on the UK market, with 165 'hits' referred, publicised or actioned

We published notification guidance for market surveillance authorities, delivered five training sessions for over 200 external delegates and set up the UK product safety contact point. This contact point provides a managed service for the product safety database and gives advice on its use, validates and publishes weekly product safety reports, liaises internationally on unsafe products with a cross-border effect, and operates a surveillance unit on behalf of UK trading standards.

We have agreed **16 memorandums of understanding** with other parts of government to agree ways of working and routes for data sharing, as well as establishing ways to share information with other parties.

OPSS has engaged on 49 separate occasions with overseas regulators since the beginning of 2021 on cross-border issues for consumer products (46 EU, 3 non-EU) to enable overseas regulators to become aware of a product safety intervention undertaken by a UK MSA, notify regulators of isolated incidents, and request information to support regulatory outcomes.

Cosmetics

From January 2021, following the end of the Transition period, we began processing cosmetics notifications of serious undesirable effects notifications. During the 2020/21 period, we dealt with 22 notifications where the normal or reasonably foreseeable use of a cosmetic results in temporary or permanent functional incapacity, disability, hospitalisation, congenital anomalies or an immediate vital risk or death.

We have also established a 'Submit Cosmetic Product Notifications' service for cosmetic products made available to consumers in Great Britain. This is used by market surveillance authorities to ensure compliance with relevant regulatory requirements, and by the UK's National Poisons Information Service to augment their own poisons database and provide urgent medical advice to health services in the event of ingestion or severe allergic reactions to products.

Since going live in January 2021, as of October 2021 we have received over **285,000 cosmetic product notifications**, with **10,000 users** and **8,300 businesses** signed up (of which 4,500 are limited liability partnerships or limited companies, with the remainder being individual or sole traders).

Online product regulation and sales

We take the lead on online investigations, focusing on disruption, where it is a national issue and sellers are based outside the UK, given the majority of enforcement remains the responsibility of local authorities where sellers are based in the UK. As a national regulator, OPSS frequently provides advice to local authority officers on dealing with issues arising from online sales, including specialised training on distribution, fulfilment houses and online investigations, which was attended by **275 officers from 127 different authorities**.

We have worked with major online platforms to ensure that they have robust, proactive and reactive approaches in place to protect consumers, have established mechanisms to share information with other product regulators, and investigate product safety and standards issues arising from online sales. We have built our online investigation capability, with a team able to conduct online market surveillance and work with platforms to deal with non-compliant items. We have conducted enforcement investigations into online sales of toys and electricals and have established approaches for third-party sellers outside the UK. We have also dealt with referrals from other regulators and stakeholders who identify suspect goods being sold online.

Pool heaters

OPSS carried out an investigation into pool immersion heaters sold through online platforms. The risks from burning or electrocution posed by these products were heightened during the summer of 2020, as the pandemic meant many families stayed at home. OPSS ran a summer safety campaign in 2020 warning

consumers to be wary of such products, purchasing 11 products that were all found to be non-compliant. Our assessment identified a risk of burning and scalding, including young children, as well as a risk of electrocution. As a result, the online platforms were contacted to request that the products be de-listed and sellers told they were required to recall their products. In March 2021, OPSS issued a recall notice to a seller of a pool immersion heater fulfilled by an online platform. This led to the online platform recalling **360 serious risk items** sold by 13 sellers to UK consumers.

Ports and borders

OPSS provided funding to 16 local authorities covering the significant border entry points, and our support this year included £1.45 million for checks at key UK ports and borders for national product safety risks. In 2020/21, there were **5,637 consignment checks** at the border co-ordinated and partly funded by OPSS. 43% of targeted consignment checks identified unsafe or non-compliant products, and **14.7 million items** were refused entry into the UK by the local regulator.

During 2020/21, OPSS engaged with London Heathrow authorities to address the national risk on goods arriving at London Heathrow Airport. This led to collaboration between the London Heathrow authorities with a view to working together in the future. Intelligence gathering was carried out at ports to monitor products arriving from the EU, with a view to carrying out product safety check on goods arriving from the EU from January 2022. Following the changes in risk and scale on imported PPE products and hand sanitisers, OPSS

allocated additional funding to five local authorities that had been most affected.

Border operations – Hillingdon

Hillingdon Trading Standards examined a consignment of home teeth whitening kits, following risks identified by OPSS's strategic intelligence assessment. Test results showed that the product contained a high concentration of hydrogen peroxide – almost 1.5 times more than the legal limit permitted for dental practitioners and 86 times the limit allowed for consumer use. The product also had labelling and ingredients list non-conformities and was sold by a third-party seller on an online platform. Therefore, their primary authority was notified and the product listing was removed so it could not be sold. The seller forfeited 800 items for destruction.

Border operations – Suffolk Trading Standards

During 2020/21, Suffolk Trading Standards' imports team inspected 614 consignments. Within these consignments, over **26 million goods** across **926 different products** were targeted and assessed by the team at the UK border at Felixstowe Port, with 81% (753 product lines) found to be unsafe or non-compliant. The significant increase in the number of goods inspected compared with 2019/20 is due to large consignments of PPE (including face masks, visors, hand sanitiser and gloves). Some of these consignments included containers with up to **3 million** facemasks. The total amount of PPE items checked during the year was over **23.8 million products** over 108 product lines, including over **20 million face masks and visors** and **3.5 million hand sanitisers**.

Timber

Through our enforcement responsibilities for timber product regulations in relation to the Forest Law Enforcement, Governance and Trade licence, we have identified 200 businesses or individuals who have not submitted their licences for the export of timber products to the UK. As part of our activity, we contacted 107 companies to verify this and issued the businesses with statutory notices of non-compliance. All businesses found to be non-compliant have been placed on the timber risk register. We also continue to regularly liaise with stakeholders to remain up to date on current issues relating to timber regulation. This has been particularly effective in the work undertaken to move the new collection of timber reference material forward through collaboration between the Department for Environment, Food and Rural Affairs, OPSS, the US Forest Service, Kew Gardens and Forest Trends, among others.

Alternative Fuels Infrastructure Regulations 2017

OPSS is designated as the authority to enforce the Alternative Fuels Infrastructure Regulations on behalf of the Office for Zero Emission Vehicles, setting and maintaining minimum technical standards on alternative fuels infrastructure, while in the process contributing significantly to the UK government's stated ambition of ending the sale of new petrol and diesel cars by the year 2030 and achieving net zero carbon emissions by the year 2050. Our work in 2020/21 has included conducting on-site testing of publicly accessible electric vehicle charging points in and around the M25 motorway, to update intelligence and further our understanding of the

compliance landscape and contribute to our knowledge of the UK chargepoint network, as well as ensuring operational infrastructure has been effectively implemented. OPSS conducted on-site testing of 18 chargepoints belonging to 13 operators. While we found all met technical standards, only 56% offered a session monitoring and summary, and a small minority did not display pricing information, making it difficult for users to make fully informed choices. Additionally, 8 of the 18 chargepoints inspected did not allow an officer to complete a charging session at the first attempt due to a fault, representing a 44% failure rate.

As of January 2021, there were an estimated **12,809 chargepoints**, **84%** of which are compliant, compared to only 777 out of 9,764 chargepoints which were compliant in July 2019. This illustrates the extent of our work in bringing a high volume of chargepoints into compliance across the whole of the UK.

Inform

We help consumers make informed choices and give businesses the information they need to comply.

Consumers need clear and accurate information and guidance to understand risks and to make informed decisions. We use our research into consumer attitudes to shape our safety messages to consumers, and we have conducted safety awareness campaigns on wide ranging issues to enable them to make more informed choices.

Businesses need a clear understanding of what is required of them to deliver compliance. While most businesses are well intentioned, we recognise that lack of awareness, understanding or technical capacity are often contributory factors in non-compliance, particularly where the regulation is highly technical. We have conducted a range of activities to support businesses in understanding their responsibilities. These include providing information, guidance and tailored advice to those we regulate, raising awareness of regulatory requirements and safety risks through various forums, and continuing to expand our Primary Authority scheme by forming new partnerships, supporting effective recalls, and empowering the use of a collaborative approach of BBfA partnerships at a local and regional level.

Information for businesses

We use a range of interventions to support compliance, alongside our enforcement activity which includes awareness-raising activities, provision of information, guidance, and tailored advice, and support for businesses to address non-compliance.

Raising awareness of regulatory requirements for businesses

We undertake awareness-raising activities for business across our enforcement responsibilities. These are focused on newer areas of regulation or on areas where we know lack of awareness is an issue. We raise awareness of regulatory requirements by presenting at events and conferences, running tailored workshops, producing news pieces and magazine articles, contributing to blogs, and dissemination of updates via social media and email alerts.

Providing information, guidance and tailored advice to the businesses we regulate

Information and guidance on the regulations we are responsible for is available on the GOV.UK website. There were **850,000 page views** and **148,000 page downloads** for OPSS's GOV.UK content in 2020/21. We are committed to ensuring that we respond to enquiries in a timely manner, with our central helpdesk service accessible by phone, email or online query submission.

We received over **17,000 enquiries** during 2020/21, responding to **87%** of general enquiries across all our legislative areas within five days. We have quality assurance models in place for our customer service centre and signpost businesses to their local authority trading standards department for specific advice and to access Primary Authority.

Business easements and guidance

We answered PPE enquiries from businesses, notified bodies and trade associations, supporting the government's priority to ensure the supply of safe PPE and other products critical to the COVID-19 response. We also produced guidance on PPE, face coverings, face visors, and hand cleaning and sanitising products for the protection of consumers.¹ OPSS put in place two regulatory easement routes to streamline administrative processes and speed up the supply of PPE to the NHS and other essential workers. We set up an online forum for community groups to aid discussion and to identify what additional support could be provided. We dealt with nearly **200 COVID-19-related consumer and business enquiries** during 2020/21. Overall, 87% of COVID-19 and PPE related enquiries were responded to and closed within five days by OPSS.

1 <https://www.gov.uk/guidance/opss-coronavirus-covid-19-guidance-for-business-and-local-authorities>

Consumer safety awareness campaigns

We deliver product safety messages to consumers through awareness campaigns on topical issues, working with partner organisations to reach a large part of the population. Over 2020/21, we have worked with the Chartered Trading Standards Institute, the Royal Society for the Prevention of Accidents, Electrical Safety First, the Child Accident Prevention Trust, the British and Irish Portable Battery Association, and the British Blind and Shutter Association on a range of diverse campaigns. These have included raising awareness of safety issues on pool immersion heaters over the summer, fireworks, online toy sales, button batteries, blind cords and magnets.

Our Christmas online toy safety campaign reached over **775,000 people** via regional press and received further trade media coverage following support of the British Toy and Hobby Association. Likewise, our annual firework safety campaign, partnered by the Chartered Trading Standards Institute, the Royal Society for the Prevention of Accidents, the Child Accident Prevention Trust, and the Royal Society for the Prevention of Cruelty to Animals, had a potential reach of **2.6 million**. The total potential reach of our campaigns was measured at approximately **4.47 million** and **14.88 million** for potential impressions. We continue to translate campaigns into Welsh to ensure reach and accessibility across the whole of the UK.

Stakeholder and business engagement

Across our work, we are guided by the principle of working in partnership and collaborating with stakeholders to deliver impact. We have continued to grow and build on relationships with consumer bodies, business representative bodies, non-governmental organisations and other stakeholders to inform our policy and support our delivery.

OPSS provides information and guidance for business on their obligations in relation to product safety on GOV.UK, including a significant amount of guidance on changes due to EU Exit.

OPSS business reference panel

The OPSS business reference panel meets quarterly and provides a forum for business organisations, representing over one million businesses from a diverse range of sectors including commercial, hospitality, retail and manufacturing, to share ideas and feedback views on how regulation is impacting on them. Our themes this year included sessions on safe working and PPE, the end of the Transition period, including trade negotiations and establishing the UK regulatory environment with support from the Business Intelligence and Readiness Directorate, and priorities going forward such as our product safety review, construction products activity and the impact of net zero.

Primary Authority

Primary Authority is a statutory mechanism enabling any business to form a partnership with a single local authority, which provides reliable advice that other local regulators must follow. OPSS operates Primary Authority, enabling businesses to benefit from increased confidence in their compliance. There continues to be **107,000 businesses** benefiting, with a further **315 businesses** joining Primary Authority in 2020/21. We have also responded to over 3,300 Primary Authority enquiries from local authorities and businesses during the year.

Better Business for All (BBfA)

Local Better Business for All (BBfA) partnerships bring together businesses and regulators to identify the regulatory issues facing local businesses and shape effective support. In 2020/21, the BBfA network was built upon to create the strategic regulatory network, covering all local authorities in England and Wales. Through this network development, there is now sustained BBfA activity coming from all London boroughs, North East and Tees Valley authorities, and the East and West Midlands, who are all new to the programme in 2020/21.

Case study – Primary Authority

Following a review by the Primary Authority team of the Hampshire and Isle of Wight Fire and Rescue Service, NatWest Group has taken on advice to update its national evacuation strategy. This was achieved through the implementation of a standardised ‘last person tag’ fire marshal model in response to an increased number of challenges maintaining sufficient numbers to cover the fire marshal roles across sites. The Primary Authority used their knowledge and expertise to help create a new evacuation system to suit the business’s needs and worked with NatWest to carry out staff training on the new evacuation process.



Standards and accreditation

OPSS leads on standardisation and accreditation policy, providing grant funding to BSI and UKAS and setting priorities. This funding gives the UK a voice in influencing international standards and their development, enabling public interest to be heard in settings standards for public safety and societal outcomes. OPSS funding supports a number of strategically important standards development committees in priority areas for government and contributes to BSI's international work programme, providing a voice for UK stakeholders in international standards making. The committees supported by this year's funding produced **1,987** new, revised or amended standards documents in 2020/21.

OPSS funding provides BSI membership for government, building technical capability for enforcement and enabling cost-effective access to standards. 2020/21 saw a significant increase in access to BSI standards by product safety enforcement authorities, with **4,032 standards** accessed by trading standards officers, compared to approximately 1,400 in 2019/20. Additionally in 2020/21, Department for Business, Energy and Industrial Strategy officials, mainly from OPSS, accessed **2,076 standards** in the course of our regulatory work.

OPSS funding supports BSI's consumer and public interest network to empower and protect consumers through effective consumer representation in British standards, with **151 committees** or standards-making groups currently supported by the network.

Publicly available specifications (PAS)

We continue to commission and advise on the development of new standards (as PAS) to help manufacturers, suppliers and retailers improve safety, as part of our activities targeting high-risk products. Examples of this work in 2020/21 include:

- sponsoring button battery PAS (PAS 7055:2021), which was published in April 2021 and contains practical, consistent steps to protect vulnerable consumers on the use of button batteries, from product design and packaging through to marketing and disposal
- enabling free access to PAS 7100: Supporting better product recalls for UK SMEs, which provides a code of practice for consumer product safety-related recalls and other corrective actions, as well as best practice guidance in consumer non-food product safety for businesses and market surveillance authorities
- supporting energy smart appliances PAS through delivery of two standards (PAS 1878: Energy smart appliances – system functionality and architecture, and PAS 1879: Energy smart appliances – demand side response operation), to facilitate the uptake of safe and interoperable smart appliances and enable effective management of demand on the electricity network to transition towards a zero-carbon grid

Analyse

We make the best use of scientific evidence, data, risk and intelligence in decision making.

Sound science is critical to understanding product risks, protecting consumers and delivering compliance. OPSS is committed to integrating science into the heart of our working practices. We continue to grow our analytical team to develop and apply a robust scientific evidence base to support policy and regulatory decision making and use our in-house capability for evaluation.

Research programme

In 2020/21, we have invested in research to provide data, scientific evidence and behavioural insights to help develop policy, improve regulatory compliance and make our consumer awareness campaigns more effective. Our research focuses on understanding the behaviour of consumers and businesses and ways to improve regulatory compliance. Our programme has worked flexibly, responding to increasing demand for understanding the effects of COVID-19 on our objectives. Work has also been commissioned to understand the effects on consumer attitudes and products that claim to protect the consumer from COVID-19.

We have added to our published body of research, with a second tranche of research reports having now been published. Our research hub continues to flourish as we add to the breadth of academic institutions we engage and collaborate with, to increase OPSS's access to academic expertise on evidence gaps and provide scientific evidence. The research hub has now established collaborations with the

University of Tilburg, the University of Bonn, University College London, Queen Mary University of London, Warwick University, the University of Cambridge and Imperial College London. These collaborations have enabled us to carry out research on risk analysis, Bayesian networks and consumer risk attitudes to smart appliances. A secondment programme has also been added to our sources of expertise to aid the development of evidence bases and ensure we link to experts in their field with real-world application of their work.

OPSS research – COVID-19 consumer survey

During 2020/21, our research programme has been reactive to research demands as a result of the pandemic. Our consumer survey has given visibility to the effects that COVID-19 has had on consumers and has identified further research on related products to keep the consumer safe.

OPSS conducted an online survey to understand consumer attitudes and behaviours to products related to COVID-19. The survey included questions around purchase and use of COVID-19-related consumer products, with a focus on hand sanitiser, face masks or coverings, UV wands and air purifiers. Conclusions from the work helped to identify motivations and products that were bought in response to the COVID-19 pandemic. The work provided the basis for further research into the safety of devices bought by consumers and allowed us to investigate the extent of risk from those products. As some devices and their functions are covered by several regulations, we fed back the evidence into discussions with other regulators and the

Scientific Advisory Group for Emergencies. Our research on product safety and consumers is developing the evidence base in this area further.²

Home use of ultraviolet radiation disinfection products

The COVID-19 pandemic provided a commercial opportunity for traders marketing a range of ultraviolet (UV) radiation products for disinfection of surfaces, products and indoor environments. Due to the OPSS COVID-19 consumer survey's findings that devices could potentially be used by consumers on their skin, concerns about the efficacy of such products and the potential for harmful levels of UV exposure to people were discussed with experts in Public Health England. In collaboration with Public Health England, OPSS purchased a range of products for testing in accordance with standard BS EN 62471: 2008 Photobiological safety of lamps and lamp systems. Many of the tested devices were found to be incapable of emitting optical radiation for inactivating viruses. A proportion of the devices were found to be potentially effective for inactivating viruses, but presented potential risks of exposure to users.

Understanding risk in current technologies

Public perceptions of SMART products

Research on public perceptions of SMART products was commissioned to understand patterns of underlying perceptions, attributions and presumed actions that a consumer will take when a SMART product fails. The work provided OPSS with insight into the conditions under which consumers are more likely to blame themselves, avoid decisive action and reuse smart products despite failure, and the factors that make them more likely to place responsibility on third parties (manufacturer, retailer, regulator) and engage in punitive action. The work conducted by University College London and the University of Cambridge has contributed to OPSS's understanding of risk sources and issues surrounding SMART products and how risk perception can affect the real risk of a product.³

Identifying safety issues with new products and technologies

The circular economy, international comparisons of consumer product safety regimes and new technologies are all quickly changing areas for research interest and are topical with respect to net zero. We have conducted literature reviews into these areas to understand the challenges and unknowns in our evidence bases and how they may affect the product safety system.

2 A summary report for this work is available at: <https://www.gov.uk/government/publications/opss-covid-19-consumer-survey>

3 A summary report is available at: <https://www.gov.uk/government/publications/public-perceptions-of-smart-products-summary-report>

Improving outcomes from better understanding of behaviours

Product registration trial

The product registration trial measures whether the presence of OPSS branded registration prompts significantly changes the registration rates of large white goods. The prompts are leaflets which outline the importance of product registration and give details for how to register. The presence of OPSS or manufacturer branding on leaflets will vary between experimental conditions. Product registration has important links to product recall effectiveness by increasing the reach of recall campaigns. Therefore, the trial is an important step towards increasing consumer safety. Results from the trial are anticipated to be published in 2022.

Ageing society – product design for older people

To better understand inclusive design processes, particularly those that affect product safety for older people, OPSS commissioned qualitative research to understand more about how design processes and practices affect product safety for older people. The objectives were to:

- identify the key safety issues in product design
- explore the challenges and barriers involved in implementing inclusive design
- explore emerging and future trends
- identify the best practice principles of design, based on the needs of older and sometimes vulnerable consumers

This work has provided valuable insight when it comes to informing policy decisions for achieving an inclusive product safety system for the UK. Improvements can be made through suggestions in the report around providing guidance, promoting inclusive design within industry and disseminating the benefits of inclusive design.⁴

Consumer behaviour and attitudes to fireworks in the UK

OPSS commissioned Ipsos MORI to provide evidence and gain a more representative understanding of UK citizens' attitudes towards and behaviours around the use of fireworks. The work was to analyse and inform potential policy changes within this area and the gauge public's appetite for further restrictions. It drew together findings from exploratory research seeking to uncover fresh insights about an important aspect of many social and cultural celebrations in the UK, taking a holistic view of how consumers interact with fireworks – across buying, storing, and using them – and understanding more about why people attend public displays or host private displays, and how they feel about them. The work concluded that although there are some gaps in the public's understanding of regulation that supports the safe use of fireworks for private displays, the public were not, in the majority, in favour of a ban of fireworks. This work has filled a number of evidence gaps to inform policy development in this area.⁵

4 A report into the findings of this research is available at: <https://www.gov.uk/government/publications/ageing-society-product-design-for-older-people>

5 A report into the findings of this research is available at: <https://www.gov.uk/government/publications/consumer-behaviours-and-attitudes-to-fireworks-in-the-uk>

Research on product safety and consumers

Our research on product safety and consumers was commissioned as a follow-on piece from the [consumer attitudes survey](#) originally conducted in 2018/2019 to provide an understanding of the public's opinion on product safety related topics. This is vital for identifying and monitoring trends and risks, and providing evidence to support the development of OPSS's policies and regulations. Outputs from this work have so far provided information on e-labelling, 3D printing devices, magnets, ultraviolet cleaning devices and more.

Industry attitudes to product safety

One of OPSS's goals is to strengthen the evidence base for the development of product safety policy, delivery and enforcement. A key aspect is understanding the product safety system in industry and how the different elements work together to protect consumers. This research looked at the attitudes of industry in relation to product safety, including perceptions of responsibility. We continue to monitor and gather evidence to enhance our understanding of industry, support policy work and investigate further the findings from the recent call for evidence.

Evaluating solutions for improving regulatory enforcement

Method development and ring trial for the determination of Cannabidiol (CBD) and illicit cannabinoids in cosmetic products

OPSS identified historical issues with the testing of CBD products and illicit cannabinoids in cosmetic products due to the lack of a 'fit-for-purpose' method, leading to false positives and negatives during product testing. To address the issues identified, OPSS led a cross-government ring trial, conducted via the Government Chemist to develop and assess the performance of methods used to determine CBD and illicit cannabinoid content in consumer products. CBD samples were prepared by the Laboratory of the Government Chemist and sent to 35 laboratories both in the UK and internationally. The study showed good agreement between most laboratories (82%), demonstrating their capability to determine CBD in consumer products successfully. In addition, laboratories demonstrated the ability to detect controlled cannabinoids in the consumer products. In doing so, the ring trial strengthened the national and international capability for the testing of CBD and controlled cannabinoids, highlighting the capability of UK official control laboratories and other international labs to validate CBD labelling claims and detect controlled cannabinoids in consumer products. There is potential for the method to be considered for future standard development.⁶

6 A report into the findings of this research is available at: <https://www.gov.uk/government/news/cbd-and-controlled-cannabinoids-results-from-a-ring-trial>

Method development for the testing of slime products to determine chemical migration limits

Ambiguity over the classification of slime toys for the purpose of chemical migration limits had resulted in conflicting opinions between manufacturers and enforcement agencies. OPSS commissioned the Office of the Government Chemist to participate in inter-laboratory method development for appropriate classification of slime material. The applied approach provided a robust, cost-effective method to determine the classification of slime for chemical migration limit purposes, and aims to resolve any previous uncertainties relating to the differentiation between slime toys and putty materials, in the process ensuring that slime products do not contain unacceptable levels of chemicals.

Engineering, technical and scientific advice

We have expert engineering, technical and scientific capability within OPSS, as well as collaborative relationships with cross-government and independent experts, enabling us to base our decisions on scientific, engineering and technical advice. We also offer this support to local authority regulators. We undertake in-house testing and research experiments at our Teddington laboratory.

We deal with technical queries, building relationships with external stakeholders such as trade associations and other government departments, and contribute to policy development. We have built a new register of specialists to advise on chemical matters, including chemical and toxicological risk assessment, as well as guidance and technical support on analytical test methods. We participate in committees for standards covering our remit on product regulation, including metering, toy safety, small electricals, cosmetics and electric vehicles, among others. For weights and measures, we have influenced in areas such as measuring systems for liquids, fuel dispensers and road tankers, ensuring the interests of UK industry and consumers were represented.

Risk, intelligence and border profiling

Intelligence unit

The OPSS intelligence unit provides operational intelligence to help drive activity at both the tactical and strategic levels within OPSS. During 2020/21, we began producing bi-monthly tactical intelligence assessments which highlight current and emerging issues to help drive OPSS enforcement activity. The tactical assessments are also shared with partner agencies and trading standards authorities for intelligence purposes.

The OPSS annual product safety strategic intelligence assessment was produced and circulated to partners, highlighting strategic product safety risks and threats as summarised below.

Risk

As part of the OPSS response to the COVID-19 pandemic, our risk unit produced a risk model allowing the risk presented by non-compliant respiratory protective equipment to be assessed and appropriate action taken. Training on how to apply the model was provided for relevant OPSS staff.

The risk unit continued to support local authority trading standards officers and other product safety regulators in developing robust and accurate product risk assessments, often in relation to novel or complex issues. The risk unit has also been setting up and implementing a system for validating the UK's risk entries for non-compliant products before entry into the product safety database.

A working group was set up, comprising local authority trading standards officers and representatives from relevant national regulators, among others, to consider how the national methodology for undertaking product risk assessment could be improved. A set of recommendations were agreed, which will be taken forward in developing revised national guidance.

A wide range of risk assessments were undertaken in relation to significant product issues that came to OPSS's attention. The products included balcony barbecues, child car seats, baby carriers, air purifiers, UVC devices and small high-powered magnets.

Specific and thematic threats

Specific threats

Specific threats are assessed as those with the potential to present a significant risk to consumers, industry and the public interest. During 2020/21, we prioritised activity to increase understanding and reduce their level.



Imports:
unsafe consumer products imported into the UK



Supply chains:
absence of effective oversight of non-traditional supply chains



Substitution:
of inferior ingredients, components or complete products



Toxic chemicals:
rendering consumer products unsafe

Thematic threats

Thematic threats are assessed as those with the potential to present a risk to consumers, industry and the wider public interest. During 2020/21, we sought to increase our understanding of these and reduce their level.



Consumer awareness of product safety:
prevents fully informed choices



Domestic appliances:
ubiquity of large appliances presents a complex threat



Rapid innovation:
regulatory challenge as new products enter the market

Build

We are putting in place an infrastructure that equips the UK for the changing environment in which we operate, allowing us to tackle challenges both today and in the future. We are ensuring that the right structures, policies and capability allow us to deliver our remit to the highest standards. We continue to develop a functional regulatory system for the construction products industry, addressing non-compliance and establishing new norms to restore public confidence. We have been supporting the regulatory system by providing training and technical advice for frontline local authority regulators, and our national incident management unit has been co-ordinating major incidents. We have continued to invest in our facilities and now have five new laboratory spaces. Alongside this, we continue to provide world leading metrology certification and calibration services to UK businesses, and ensure that traceable and accurate standards of measurement underpin trade by quantity.

Our policy teams are building the regulatory environment for now and the future through an extensive review of the product safety framework, gathering evidence across a broad range of stakeholders. We continue to contribute to future trade agreements and tackle domestic priorities, while building national and international partnerships and learning from international best practice.

Policy and regulatory framework

We lead policy on product safety, metrology, hallmarking and market surveillance and are responsible for legal frameworks in these areas.

Product safety legislation – call for evidence

In 2020/21, we began a review of product safety legislation to determine whether the existing legislative framework is adequate in light of the changes to traditional supply and distribution chains brought about by e-commerce and the technological advancements in products. We are leading strategic and systemic change focused on reviewing the framework, so that responsibilities are transparent, regulators have sufficient powers, and ultimately suppliers, distributors and platforms are robustly fulfilling their legal obligations. Our call for evidence as part of this review, which took place between March 2021 and June 2021, invited and listened to a wide range of views on the UK's overarching product safety regulations, so that any prospective reform results in a product safety framework that is fit for the future – protecting people and supporting both growth and investment. This covered evidence across a broad range of individuals, businesses and organisations that interact with all aspects of product safety, including manufacturers, trade associations, consumers and consumer organisations, across areas such as product design, manufacture and placing on the market, new models of supply, new products and product lifecycles, and enforcement considerations.

Furniture and fire safety

OPSS has continued to develop a new approach to furniture fire safety. Following independent scientific advice, we commissioned further research to help inform the scope of products to which the new approach will apply. Through a regular newsletter, we have kept stakeholders up to date with progress, and we have continued to engage with those representing businesses, trading standards and the fire service to inform policy options. OPSS has also engaged the BSI to begin developing voluntary standards that will support businesses to comply with the new approach.

Pyrotechnics

OPSS continues to promote the safe and considerate use of fireworks through education and raising awareness. We developed a public awareness campaign for the 2020 fireworks season, working in partnership with animal welfare groups, safety charities and local authorities to ensure those using fireworks do so safely and appropriately, with a potential reach of **2.6 million**. We will be building and expanding on its success for the 2021 fireworks campaign.

We have published the fireworks evidence base, which collated available data and research on a range of key issues related to fireworks. We also commissioned research by Ipsos MORI that provided evidence on consumer attitudes towards and behaviours around using fireworks in the UK, where the majority of those surveyed (61%) said they personally enjoy fireworks. We will use the other findings of the research to inform our public awareness campaigns.

Co-ordination and support of local regulatory activity

Our trading standards co-ordination unit provides frontline enforcement officers with access to technical and scientific advice and a professional training and development programme on product safety and metrology. We work in partnership with organisations that are best placed to support local regulators, including the Chartered Trading Standards Institute on officer training.

Training and guidance for frontline officers

Since our inception, we have provided product safety training to frontline staff from over **200 local authorities** with responsibilities for product safety or metrology. In 2020/21 we provided training to **3,183 officer training days** to delegates, including **2,486 on product safety** and **697 on legal metrology** – a significant increase of over 2,000 officer training days from the previous year. This was partly due to training and guidance on hand cleansing products and PPE training sessions following the onset of the pandemic, as well as distribution, fulfilment houses and online investigations, technical documentation, risk assessments, cosmetics, and second-hand electricals.

Regulators' Companion

We fund the development of the Regulators' Companion website, which provides a 'one-stop shop' for local regulators on legal metrology, Primary Authority and product safety. There are now over **350 pages** of content, including interactive e-learning courses and videos. During 2020/21, we have seen **13,200 user sessions** and **58,468 page views**. We are also now in

the process of building a dedicated 'ports and borders' section of the Regulators' Companion.

Product safety testing capability

We provided funding to local authority-based test houses, to give local regulators free access to appropriate testing of products for compliance with product safety legislation as part of our product safety testing protocol.

We are continuing our capital investment to strengthen product safety testing capability in the UK, investing **£4.5 million** during 2020/21 to enable effective scientific research and enforcement of product regulation, while increasing our support for testing with our improved understanding of the wider product safety market. Following on from the build of three new laboratory spaces last year in our Teddington office, the next phase of the development during 2020/21 has resulted in the build of two new product testing laboratory spaces, and our product testing team has been preparing the labs for use. The new facilities include an analytical laboratory, enabling us to detect the presence of chemical components such as heavy metals and phthalates in products, and our sample preparatory laboratory, where we handle and prepare product samples, chemicals and standard solutions analysed in the other laboratories.

Legal metrology

OPSS is the national regulator for metrology. Within OPSS, the National Measurement Office (NMO) provides the UK with an infrastructure of three United Kingdom Accreditation Service (UKAS) accredited laboratories for testing and calibration at our Teddington site that deliver world-class measurement science and technology and provide traceable and accurate standards of measurement. NMO provides product certification, quality management system certification, testing, calibration and training services in relation to metrology.

Certification services

Product certification (also known as type approval) involves the rigorous testing of instruments at the design stage, assessing conformity with regulatory requirements. NMO is part of the International Organisation of Legal Metrology certification system for weighing and measuring instruments and provides certification services to UK manufacturers, ensuring they can access global markets.

This includes petrol pumps, tanker meter measuring systems, shop scales, weigh bridges and beer meters. NMO also conducts audits of manufacturers' quality management systems, which enable businesses to place instruments on the market. NMO maintained its status as one of only 12 International Organisation of Legal Metrology issuing authorities worldwide, and was the second most used issuing authority globally.

Calibration of weighing and measuring instruments

NMO provides a statutory calibration service under the Weights and Measures Act 1985, checking the accuracy of the mass, length and volume standards held by local regulators for use in their enforcement activity, as well as calibration services to businesses and other organisations.

In 2020/2021, NMO:



139

calibration certificates issued



56

sets of lottery balls tested



3,853

taximeters tested for Transport for London

Market surveillance co-ordination

OPSS runs the UK Market Surveillance Governance Group, which provides a critical link between the policy aspirations for market surveillance across the UK and the coherent and practical delivery of those aspirations. It offers a forum for building relationships with market surveillance authorities and enables strategic co-operation between all the UK's product regulators. The group has evolved in the last year to support the changes to the market surveillance landscape following the UK's exit from the EU, and has expanded to include the Association of Chief Trading Standards Officers, representatives from border control authorities such as HMRC and Border Force, and regulators from Northern Ireland. In support of the changing landscape, the group also set up a number of long- and short-term subgroups, including those designed to tackle and improve intelligence sharing between market surveillance authorities and the 'task and finish group', which was created to support the delivery of the UK first memorandum of understanding between all organisations with a legal obligation to deliver UK market surveillance.

International collaboration

OPSS continues to provide technical assistance and advice to UK trade partners on good regulatory delivery. Working through the Foreign, Commonwealth and Development Office, OPSS International has delivered **450 days of technical assistance** in Indonesia, Philippines, and Vietnam, with over **70%** of officials reporting that they are using the learning six months on.

OPSS international technical assistance has supported the implementation of five new regulatory reform policies in partner countries, including supporting the Philippines in the development of good regulatory practice guidelines. These are significant steps towards implementing the Ease of Doing Business Act, drawing on UK good policymaking and consultation practice and the Regulators' Code.

In Indonesia, OPSS has supported the move to a risk-based approach for business licensing and inspection, part of the Omnibus Law passed in October 2020. This is a huge step change for the business environment, affecting every ministry and all regional and local authorities and, when fully implemented, will remove thousands of conflicting regulations, and make starting and operating a business much clearer, simpler and fairer. We have also worked with counterparts in Indonesia to remove a market barrier for UK cosmetics being sold in Indonesia.

In October 2020 we delivered an international conference on regulatory reform, entitled Global Partnerships for Global Growth, to over **300 delegates** representing **51 countries**.

Legal metrology training services

NMO provides a range of legal metrology and technical training courses. Our unique position as the UK's national legal metrology provider enables us to work with countries to help develop skills and knowledge. This allows them to trade and work within the same parameters as established countries, using the recognised legal frameworks and protocols.

Construction products

Following the Grenfell Tower tragedy, the Independent Hackitt Review of Building Regulations and Fire Safety identified OPSS as the product regulator of choice. In January 2021, we were asked to broaden our remit to include construction products starting in April 2021. During 2020/21, we worked closely with the Department for Levelling Up, Housing and Communities to agree an approach to building this capability.

Post-EU Transition

Following the UK's exit from the EU, the Transition period was in place until 31 December 2020. We worked to ensure the move to a new UK regulatory regime following this date was as smooth as possible. We have collaborated and liaised closely with industry, border control authorities and other regulators to ensure that all parties involved were ready for the transition from EU to UK law, and we were responsive to address any issues that arose, recognising the changes in obligations for businesses.

New product safety functions

At the end of the Transition period, OPSS (on behalf of the Secretary of State) became responsible for new product safety functions that were previously conducted by the European Commission or its advisory bodies. These included:

- designating standards that can be used by businesses to provide presumption of conformity to GB law
- appointing and maintaining the register of approved bodies
- developing and maintaining a system to allow notifications of serious risk

products, including validation of the serious risk notifications to replace the EU RAPEX database

- developing a system to allow businesses to submit notifications of cosmetic products placed on the market and to notify the intention to use new nanomaterials in cosmetic products
- making and assessing the latest scientific risk assessments and updating technical annexes, particularly in relation to toys and cosmetics

We passed the necessary legislation to enable the UK to discharge these functions upon leaving the EU. The capacity and processes required within OPSS to support informed and effective decision making have been put in place. We have established an independent scientific advisory group on chemical safety for non-food and non-medicinal consumer products, to provide the scientific risk assessment capability on chemicals risk required for a number of these functions.

We also published references to approximately **3,500 designated standards** and issued new guidance on how to apply to be a UK approved body.

Supporting businesses to prepare

We published 36 legislative guides across 18 product sectors to help businesses place products on the market in Great Britain and in Northern Ireland. We held an end-of-Transition business briefing event in December 2020, which **260 trade associations** and businesses attended.

OPSS has also provided training and support to environmental health officers in Northern Ireland, enabling them to contact **4,274 businesses** and actively support **143 businesses** by providing detailed, personalised advice on importing and exporting goods in that period.

Delivery of changes to the Energy Information Regulations 2011

The energy labelling rules require suppliers to clearly and accurately label certain electrical products, often for products categorised as ‘large white goods’, with an energy label and efficiency rating. This allows consumers to make informed purchasing decisions based on energy consumption. From the end of the Transition period, a new energy label is required for the GB market alongside the Union Jack, the national flag of the UK. We ensured that industry was prepared and aware of the changes. We delivered key messages to wider industry through engagement with trade associations and AMDEA, which represents 80% of the UK domestic appliance market, rising to 95% for large white goods. We also delivered specific advice and guidance to individual businesses, updated new regulatory requirements and provided support to other enforcement authorities swiftly.

Governance and accountability



Diversity and inclusion

Diversity is at the heart of ensuring that OPSS is an inclusive workplace where our staff feel valued with equal access to opportunities, reflecting the population we work in. We are leading the way in thinking about the diversity and inclusion impacts of what we do in our policy, regulatory and delivery work, both at home and internationally. Over 2020/21, we have:

- increased staff understanding and awareness of public sector equality duty responsibilities
- conducted UK and international engagement on the role of diversity and inclusion in policy and regulation
- worked to increase ethnic minority-led businesses in Primary Authority
- raised the profile of our diversity and inclusion work through the 2020 Regulatory Delivery Virtual International Conference
- began new and innovative work around product design

Funding

Our total operating budget for 2020/21 was **30.7 million**. We are funded through the Department for Business, Energy and Industrial Strategy's central funding, including **£13.9 million** allocated to product safety, and we receive income from activity conducted on a cost recovery basis for other parts of government, mainly related to enforcement activity. The majority of our funding is programme funding, which funds frontline delivery. We have also invested **£7.5 million** of capital funding, which covers primarily our laboratories and digital and technology spend.

Advisory group

Our advisory group of six external members meets quarterly, and includes members with experience from similar delivery organisations and non-governmental bodies. The group provides external challenge and brings fresh perspective and ideas to OPSS, ensuring we are best prepared to deal with both current and future challenges.

The group is not normally involved in specific executive decisions, such as handling individual regulatory incidents. Current members are:

- Jason Feeney, former Chief Executive of the Food Standards Agency
- Neil Gibbins, Fire Risk Consultant and former Senior Fire Officer
- Gareth Hills, Director at the Home Office
- Cathryn Ross, Director of Strategy and Regulatory Affairs at Thames Water
- Rachel Sandby-Thomas, Registrar at Warwick University
- Errol Taylor, Chief Executive of the Royal Society for the Prevention of Accidents

Discussion topics during 2020/21 included our role during the COVID-19 pandemic, reflections on culture and our diversity and inclusion programme, our response to technological, societal and regulatory changes, and key themes for OPSS future strategy.

Annexes

Enforcement annexes to the OPSS delivery report will be published in due course on GOV.UK, setting out in more detail our checks on compliance for relevant areas of enforcement responsibilities.

Our response to the COVID-19 crisis has delayed publication.



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