



House of Commons  
Business, Energy and Industrial  
Strategy Committee

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**The safety of Electrical  
Goods in the UK**

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**Third Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

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## Business, Energy and Industrial Strategy Committee

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## Summary

We decided to look at the safety of electrical goods following their identification as the cause of several high-profile fires recently, such as Grenfell and Shepherd's Bush Green. The number of fires they cause each year has remained persistently high.

We used recent examples to consider the adequacy of the existing system of product safety in the UK. We found that reductions in funding for both local Trading Standards and National Trading Standards are inevitably having an impact. This, combined with the devolved and fragmented nature of the current system, is making it difficult for consumers to have confidence in consistent enforcement of required standards across the UK.

We found that progress on improving the safety of electrical goods has been painfully slow, despite a widely-supported set of recommendations made by Lynn Faulds Wood's independent Review, published nearly two years ago. We recommend that the Government publish a full response to the Faulds Wood Review by the end of February 2018.

We found the limitations of the existing system to be exposed by the manufacturer Whirlpool's response to a defect in its tumble dryers. As a result of its slow response, there are still a million potentially dangerous appliances in people's homes. We call on Whirlpool to address this, by ensuring a resolution for customers with defective machines within two weeks of notification. In addition, we are uneasy that Whirlpool did not act when a separate defect came to light, which has caused a number of fires and led to two deaths in Llanwrst. We recommend that manufacturers should make available their risk assessments as soon as any defect is identified.

There appears to be a significant risk associated with plastic-backed fridge freezers, based on the number of fires associated with them and on testing that demonstrates their flammability. We believe that manufacturers should act now to use safer materials in advance of regulatory changes and that these products should be properly marked so that they can be identified following a fire.

In view of the fragmented nature of the existing system and the slow pace of change, we recommend that the Government should carry out and publish a cost benefit analysis of the options for reallocating and concentrating existing resources, both centrally and locally, with a view to combining into a single national product safety agency.

# 1 The safety record of electrical goods

## Fires caused by defective electrical goods

1. The frequency and devastating consequences of fires caused by electrical goods in recent years has rightly focussed attention on the UK's product safety regime. The Grenfell Tower fire in June 2017, which killed 71 people, was thought to have started in a faulty fridge;<sup>1</sup> a fire in 2009 at Lakanal House, caused by a faulty television, resulted in six deaths.<sup>2</sup> These high-profile incidents serve to highlight ongoing concerns about safety standards. In spite of improving technology and an evolving regulatory regime, the number of fires involving faulty electrical appliances and leads in England has stayed fairly constant, at between 4,300 and 5,000 a year.<sup>3</sup> Between 2010 and 2016, there were 1,598 fires in England caused by fridge/freezers alone.<sup>4</sup> In 2015/16, 676 fires in England were caused by tumble dryers, leading to a total of 46 injuries and fatalities.<sup>5</sup> There have been specific problems identified with defective tumble dryers and there has also been a campaign to ban plastic-backed fridges because of the fire safety risks associated with them.

## Committee scrutiny

2. These specific issues raise questions about the adequacy and effectiveness of the UK's product safety regime and prompted our interest. Initially, we held an oral evidence session with relevant stakeholders, including: the National Fire Chiefs Council; Which?; Electrical Safety First; the Association of Manufacturers of Domestic Appliances; Whirlpool UK; and, the Chartered Trading Standards Institute. We also sought to follow up the exchanges of correspondence between the previous Committee and Whirlpool about its modification programme for defective tumble dryers.<sup>6</sup> We were not satisfied by the quality of the evidence that Whirlpool provided, and subsequently corresponded further with the company to obtain further information and assurances about its actions.<sup>7</sup> Because of the inadequacy of Whirlpool's response to acknowledged safety issues, and the wider concerns about product safety in the UK that we identified, we decided to produce this short report, in advance of a more comprehensive examination of product safety and consumer issues.

1 See: BEIS, [Department responds to police identification of Hotpoint fridge freezer involved in Grenfell Tower fire](#), (23 June 2017) and National Fire Chiefs Council, [Submission to Independent Review of Building Regulations and Fire Safety](#), (October 2017), p 27.

2 See: BBC News, [Council 'regrets' Lakanal House tower block fire deaths](#), (24 February 2017). Details of other examples of fires involving electrical appliances see: BBC News Online, [Unsafe fridges 'risk lives'](#), warns London Fire Brigade, (3 March 2015); BBC News Online, [Shepherd's Bush tower block fire caused by faulty tumble dryer](#), (27 August 2017); BBC News Online, [Tumble dryer action call after fatal Llanrwst fire](#), (28 November 2017). See also: [Guardian, Tumble dryer model behind deadly fire had caused 20 other blazes](#), (August 2016)

3 House of Commons Library, [Product Safety and Fire Risk in Residential Premises](#), (October 2017), pp 16–17. See also: Home Office, [Detailed analysis of fires attended by fire and rescue services, England, April 2016 to March 2017](#), (12 October 2017), p 12.

4 Electrical Safety First, [Five Fires per day caused by white goods in England](#), (July 2017).

5 Electrical Safety First, [Electrical Safety First Core Data Set – England](#), (accessed 16 October 2017). See also: Which?, [113 Hotpoint, Indesit and Creda tumble dryer models pose fire risk](#), (December 2015); London Fire and Emergency Planning Authority, [Parliamentary Briefing: White Goods Safety, 2016](#). See also: London Fire and Emergency Planning Authority, [Fires in White Goods and Product Recalls: Actions for LFB in 2016/17](#), (March 2016).

6 See [letter](#) from then BIS Committee Chair to Whirlpool (February 2016) and [letter](#) from then BEIS Committee Chair to Whirlpool (September 2016).

7 See [letter](#) from BEIS Committee Chair to Whirlpool (9 November 2017) and [letter](#) from BEIS Committee Chair to Whirlpool (1 December 2017).

## 2 Electrical Product Safety in the UK

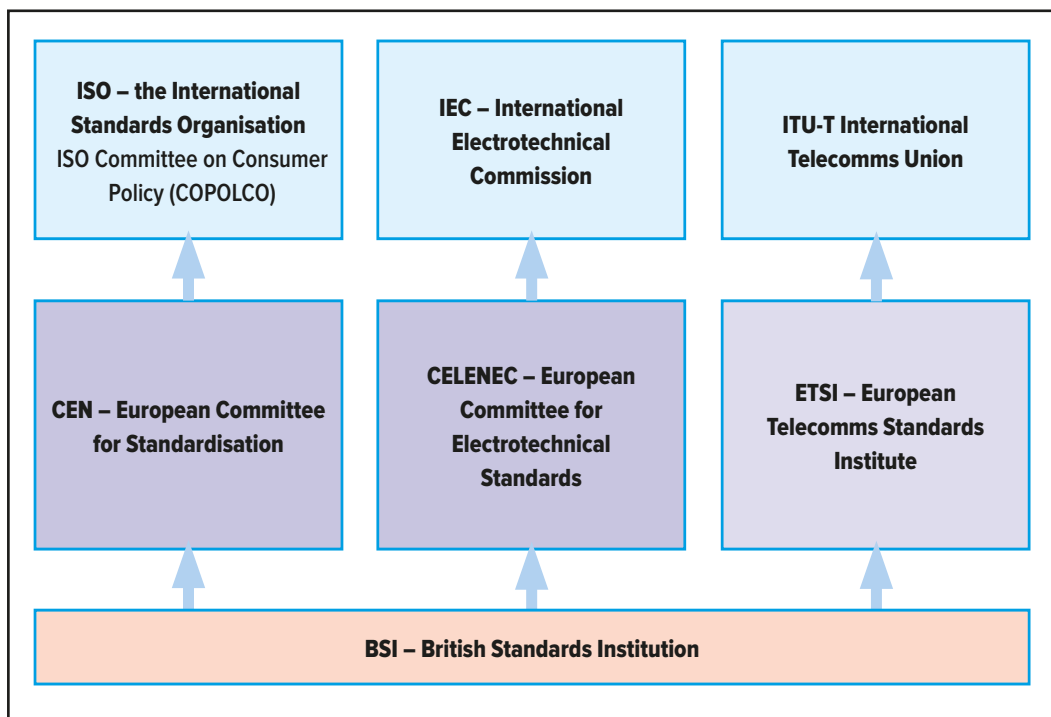
### The EU and UK Systems of product safety

3. The UK's system of product safety is heavily intertwined with that of the EU. Producers and importers are required under the General Product Safety Regulations 2005<sup>8</sup> to take immediate corrective action if they become aware a product is unsafe. This action might entail a product recall, modification, repair or other process.<sup>9</sup> The industry is also required to ensure that consumer products are safe under the General Product Safety Directive (GPSR) (2001/95/EU) and other EU-wide-sector product safety laws.<sup>10</sup> These are enforced in the UK by market surveillance authorities, mainly local Trading Standards.<sup>11</sup> EU legislation also requires enforcement authorities to communicate on unsafe products, mainly through the EU's RAPEX system.<sup>12</sup>

### International, EU and UK Safety Standards

4. There are a number of international, European and UK standards bodies which inform and influence the safety of UK products. These are set out in Box 1.<sup>13</sup>

**Box 1: Standards Bodies and UK Product Safety**



8 Legislation.gov.uk, [The General Product Safety Regulations 2005](#).

9 House of Commons Library, [Whirlpool and the product safety system](#), (21 April 2017), p 5

10 For more detail about the General Product Safety Directive, see the European Commission's [website](#).

11 House of Commons Library, [Whirlpool and the product safety system](#), (21 April 2017), p 5.

12 The RAPEX enables quick exchange of information between 31 European countries and the European Commission about dangerous non-food products posing a risk to health and safety of consumers. It publishes a weekly list summarising affected products. For more information on the RAPEX system see the European Commission's [website](#).

13 Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 9.

5. In a globalised economy, ensuring product safety must always be a multi-national activity. ISO at the international level,<sup>14</sup> CEN<sup>15</sup> and CENELEC<sup>16</sup> at the European level, and the British Standards Institute (BSI) at the UK level are private bodies which bring together businesses and other interested parties to agree standards for consumer products. Standards are often voluntary, although some are referenced in EU legislation. The BSI represents the UK within European and international standards organizations.<sup>17</sup>

6. All consumer goods sold in the UK must carry a ‘CE mark’.<sup>18</sup> This is a manufacturer’s proof that an appliance is compliant with relevant EU legislation, including standards for product safety. It signifies compliance only with a certain set of EU legislation that specifically mandates CE marking. Therefore, the CE marking of a consumer ‘white good’ is in some cases in addition to other legal requirements.<sup>19</sup> There are also voluntary standards issued by the British Standards Institute—Kitemark standards—which manufacturers of electrical appliances may seek to meet.<sup>20</sup>

### ***The UK system of product recall and product safety***

7. UK product recalls are implemented through the GPSR, requiring manufacturers to inform their local Trading Standards services of any issue that poses a serious or moderate risk to health and safety. If a recall is required, manufacturers must contact affected consumers and publicise the risk posed and details of the recall. This must be supported by the distribution chain (e.g. retailers) to ensure that the recall communication reaches as many customers as possible.<sup>21</sup> Product safety and product recalls are mainly enforced by local trading standards officers. Trading Standards also have a responsibility to stop unsafe products entering the country at ports, remove unsafe products already on the market, conduct random sampling, offer advice and assistance to business and investigate reports of unsafe products.<sup>22</sup> Since 2008, manufacturers and local Trading Standards have been able to form Primary Authority partnerships, which enable a single local authority to become the point of contact between the regulatory system and the manufacturer.<sup>23</sup>

14 See: ISO, [homepage](#).

15 See: CEN, [who we are](#). For an overview of the European standards body see: European Agency for Safety and Health at Work, [homepage](#).

16 See: CENELEC, [who we are](#).

17 See: BIS group, [UK National Standards Body](#).

18 For more information on the EU’s CE mark system see European Commission’s [website](#). See also: BEIS, [How a product complies with EU safety, health and environmental requirements, and how to place a CE marking on your product](#), (October 2012).

19 House of Commons Library, [Product Safety and Fire Risk in Residential Premises](#), (31 October 2017) pp 4–5.

20 The Kite Mark Standard applies to several sectors including Electrical, Electrical Accessories and Lighting sectors. See: BSI group, [BSI Kitemark](#). It indicates that a product meets applicable and appropriate British, European and international recognised standards.

21 House of Commons Library, [Whirlpool and the product safety system](#), (21 April 2017), p 5.

22 The [European Commission](#) states that Market Surveillance: ensures that non-food products on the EU market do not endanger consumers and workers; ensures the protection of other public interests such as the environment, security and fairness in trade; includes actions such as product withdrawals, recalls and the application of sanctions to stop the circulation of non-compliant products and/or bring them into compliance.

23 See: Gov.uk, [Primary Authority: a guide for local authorities](#). In the case of Whirlpool, Peterborough Trading Standards is the relevant local authority.






## Problems with the UK's system of product safety and product recall

### *Fragmented System of Product Safety*

8. The UK's present system of product safety is fragmented. There are several bodies involved (see Box 2<sup>24</sup>), with some performing multiple roles.

#### Box 2: Consumer Protection Bodies

 <p><b>Consumer information and education</b> – to help consumers protect themselves</p>	<p><b>Citizens Advice</b> and <b>Citizens Advice Scotland</b> are national coordinators for providing consumer advice, education and information in Great Britain. In 2015-16 Citizens Advice had almost 15 million interactions with consumers through its consumer service (phone, post, email), consumer visits to its website and local bureau. Citizens Advice is responsible for receiving consumer complaints, which are referred to Trading Standards to decide whether or not to intervene and take action.</p> <p><b>Competition and Markets Authority</b> may produce consumer advice where it has carried out a project on a particular sector, and it is best placed to do so.</p>
 <p><b>Business guidance and education</b> – to help businesses comply with the law</p>	<p><b>Chartered Trading Standards Institute</b> is responsible for producing business advice. It runs a Business Companion website that provides information to businesses in regard to consumer protection legislation. It is also responsible for running the European Consumer Centre.</p> <p><b>Competition and Markets Authority</b> produces guidance material in relation to unfair contract terms and produces business advice to support its wider compliance measures.</p> <p><b>Local Authority Trading Standards Service</b> offer businesses advice on consumer law.</p>
 <p><b>Inspections, investigations and law enforcement</b> – to punish businesses that break the law and to deter non-compliance</p>	<p><b>Local Authority Trading Standards Service</b> investigates consumer complaints and prosecutes traders who break the law and cover areas such as: consumer safety, counterfeit goods, product labelling, weights and measures, under-age sales and animal welfare.</p> <p><b>National Trading Standards and Trading Standards Scotland</b> deliver national and cross-boundary investigations and enforcements.</p> <p><b>Competition and Markets Authority</b> investigates consumer issues that have a market impact, and enforces consumer protection legislation particularly to tackle practices and market conditions that make it difficult for consumers to exercise choice. It aims to achieve wider market impact, and often intervenes early to prevent unfair practices from becoming established.</p>

The current system is heavily reliant on individual local Trading Standards to enforce product safety law and oversee product recall. Unlike the systems in other countries, there is no single independent body responsible for national oversight and co-ordination.<sup>25</sup> The Government has improved the overall coordination of consumer protection bodies with the introduction of the Consumer Protection Partnership and the establishment of National Trading Standards (NTS) in 2012. However, the National Audit Office (NAO)

24 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 16.

25 [Q3](#) [Peter Moorey]; Which?, [Strengthening the consumer product safety regime](#), (July 2017), p 1; Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 6.

has identified that there are still problems with the sharing of information between relevant organisations.<sup>26</sup> In addition, BEIS has little control over the majority of funding for consumer safety, which is allocated locally, making effective national prioritisation difficult. The NAO found that few local authority Trading Standards appear able to organise their service to reflect national priorities.<sup>27</sup> It also found that, at the same time, a lack of resources for NTS is leading to a lack of long-term planning.<sup>28</sup> Which? have highlighted a paucity of central expertise upon which to draw.<sup>29</sup> The National Audit Office concluded such gaps were leaving consumers “inadequately protected”.<sup>30</sup>

### *Sharing of data and intelligence*

9. There is no single register to ascertain whether products are subject to a product recall,<sup>31</sup> or for consumers to register their products, making them easier to trace.<sup>32</sup> Nor is there a systemic approach to recording and analysing incidents related to defective products, as is the case in other European countries.<sup>33</sup> For instance, there is no obligation for anybody other than manufacturers, such as insurance companies, to notify Trading Standards if they become aware of a safety issue.<sup>34</sup> Manufacturers have been criticised for failing to share risk assessments regarding product defects and not adequately marking them so that they can be identified after a fire.<sup>35</sup> At present, products subject to a recall in other countries are not automatically reported in the UK for inclusion on any UK list of recalled products.<sup>36</sup>

### *The Independence of Local Trading Standards*

10. The independence of local Trading Standards within Primary Authority partnerships has been questioned because they provide both advice to local businesses whilst also ensuring enforcement.<sup>37</sup> Apart from expensive recourse to judicial review, there appears no route for other local authorities, public interest groups or fire safety authorities to challenge a Primary Authority’s advice.<sup>38</sup> This has led to calls for an independent national

26 The NAO notes that a number of local Trading Standards record very few intelligence logs, meaning under-reporting of product safety issues. Trading Standards also use two different national intelligence systems, while consumer protection bodies have limited access to other government agencies databases. National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 27.

27 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 8.

28 As above p 9.

29 Which?, [Strengthening the consumer product safety regime](#), (July 2017), p 23.

30 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 10.

31 London Fire Brigade, [A single, publicly accessible register of product recalls](#), (accessed 19 December 2017); Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 6; Which?, [Strengthening the consumer product safety regime](#), (July 2017), p 26; Local Government Association, [LGA responds to Which? report on product safety and recall system](#), (19 July 2017).

32 See: Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 18; Electrical Safety First, [Consumer Voices on Product Recall](#), (2014), pp 9–13.

33 Q6 [Martyn Allen]; Q8 [Charlie Pugsley]; Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 8; Which?, [Strengthening the consumer product safety regime](#), (July 2017), p 26.

34 National Fire Chiefs Council, [Supplementary Evidence: The Safety of Electrical Goods in the UK and the UK’s Product Safety and Product Recall Regimes](#), (November 2017).

35 See: London Fire Brigade, [Publish Risk Assessments](#), (accessed 18 December 2017); London Fire Brigade, [Mark all appliances with model and serial number so they can be identified after a fire](#), (accessed 18 December 2017).

36 London Fire Brigade, [Include recalls on international products on the UK register](#), (accessed 18 December 2017).

37 Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 16–17. See discussion of the Whirlpool case in Chapter 3.

38 As above p 16.

product safety agency that can deal with businesses at a national level, taking into account the wider implications of a product safety or recall issue. We explore this issue further in Chapter 5.

### **Funding for Trading Standards**

11. Trading standards are delivered by over 190 services in local authorities, enforcing 263 statutory duties ranging from animal welfare to product safety. Funding is primarily provided by local government: in 2015–16, BEIS provided £18.1m and local government £93m.<sup>39</sup> However, cuts to local government budgets have affected local Trading Standards' ability to deliver these services. Between 2009 and 2016 total spending on local Trading Standards fell from £213m to £123m.<sup>40</sup> The NAO reported that the vast majority of local authorities have reduced their spending on Trading Standards services, with twenty local authorities reducing spending by more than 60% between 2010–11 and 2015–16.<sup>41</sup> One local authority cut trading standards funding by 73% over this period.<sup>42</sup> This has led to a reduction by 56% of full-time equivalent Trading Standards staff between 2009 and 2016.<sup>43</sup>

12. These considerable reductions in funding have led—not surprisingly in the light of the range of functions undertaken—to a reduction in market surveillance tasks on product safety carried out by Trading Standards.<sup>44</sup> A study commissioned by BEIS found that this has led to a loss of expertise to deal with what are often very technical issues.<sup>45</sup> In addition, because local Trading Standards do not receive central funding for the cost of recalls—unlike other regulatory bodies such as the Health and Safety Executive—local councils may take a risk averse approach in case a business fails and they have to meet the cost, as they are legally responsible for the recall.<sup>46</sup> The Government has acknowledged the funding concerns for local Trading Standards raised by the NAO. The Minister responsible, Margot James MP, said the following to the Lords EU Justice Sub-Committee:

Its report gives rise to concerns... about the extent of the reduction in budget for local trading standards around the country. That, as I am sure you know, is the preserve of local government, and it is obviously down to local government to order its priorities and so forth.<sup>47</sup>

13. The NAO have also raised concerns about the funding of National Trading Standards. This includes whether an annual budget of £13.5m is sufficient to cover all its tasks and to

39 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 17.

40 Briefing supplied by Chartered Trading Standards Institute.

41 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 35.

42 Q62 [Leon Livermore]; Chartered Trading Standards Institute, [Workforce Survey](#), (June 2016), p 4.

43 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 35. The NAO also found that reduced funding was leading to increased fragmentation at a local level, with smaller units unable to support national issues (p 36).

44 [Q2 and Q3](#) [Charlie Pugsley]; [Q3](#) [Martyn Allen]; [Q62](#) [Leon Livermore]; Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 8, p 13–14 and p 20. The NAO note that trading standards are responsible for 263 different pieces of legislation. NAO, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 32.

45 John Raine et al., [The Impact of Local Authority Trading Standards in Challenging Times](#), commissioned by Department for Business, Innovation and Skills and Trading Standards Institute (March 2015), p 5.

46 Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016) p 20.

47 House of Lords EU Justice Sub-Committee, Corrected oral evidence: Brexit: Consumer Protection Rights, (19 December 2017), [Q55](#).

plan long-term, a heavy reliance on short-term staffing arrangements and the fact that its funding ran out part of the way through 2015–16.<sup>48</sup> **The reductions in funding for both local Trading Standards and National Trading Standards have been well documented; we share concerns about the impact these are having on the product safety regime in the UK. The devolved and fragmented nature of the current system makes it difficult for consumers to have confidence in consistent enforcement and effective co-ordination on the sharing of information and the setting of priorities at a national level. The wide range of responsibilities falling to local Trading Standards and the tightening of resource constraints present a risk that—in the absence of central government intervention—product safety may lose out to other legitimate priorities.** We consider in Chapter 5 the case for a rethink of how the UK’s product safety system is resourced and structured.

## Government action on product safety

### *Independent Review of the UK’s product recall system*

14. In November 2014, the Government announced a review of the UK’s system for the recall of unsafe products,<sup>49</sup> and on 13 March 2015 announced that Lynn Faulds Wood would lead it.<sup>50</sup> Her report was published in February 2016. It concluded that the UK’s product recall system was flawed and made eight key recommendations, set out in Box 3.<sup>51</sup>

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48 National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 9 and p 40.

49 HL Hansard, 19 November 2014, [col. 505](#).

50 BIS, [Consumer champion Lynn Faulds Wood to lead product safety review](#), (13 March 2015).

51 Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), pp 6–9.

**Box 3: Recommendations of the Independent Review into Product Recalls**

- **Recommendation 1:** There is a need for the creation of an official national product safety agency or ‘centre of excellence’ to show leadership and coordinate the system, promoting, protecting, informing and empowering business and consumers
- **Recommendation 2:** There should be an official trusted website—for business and the public—for everyone—with the central product safety agency its guardian
- **Recommendation 3:** There is an urgent need to improve funding, training, resources and procedures for Market Surveillance—the enforcement authorities whose job it is to make the system work effectively
- **Recommendation 4:** Alternative funding solutions to improve the recall system should be explored, solutions which could bring enormous benefits to good business and the insurance industry
- **Recommendation 5:** Business could lead Europe with more reliable, detailed guidance on product recall (templates, British Standards etc.)—guidance under consideration for the European General Product Safety Directive
- **Recommendation 6:** There is an urgent need for a ‘mapping’ of organisations involved in product recall and better data & information sharing to prevent injury, damage and death
- **Recommendation 7:** There is a need to re-introduce a national Injury database with wider benefits beyond providing information & evidence for the recall system
- **Recommendation 8:** There is a need to improve consumer interest and involvement in the recall process—to research evidence-based ways to reach consumers and influence their behaviour

**Government response and the Recall Review Steering Group**

15. The immediate response by the Government to the report in February 2016 suggests that the Government did not give it the full consideration that it merited.<sup>52</sup> The Government indicated that a new central product agency would not be an effective use of taxpayers’ money, proposing instead an online ‘centre of excellence’.<sup>53</sup> On funding, it said it would await a review of Trading Standards and would improve existing groups and networks.<sup>54</sup> It set up a steering group to consider the findings of this review.<sup>55</sup>

**The Working Group on Product Recalls and Safety**

16. In October 2016, a new Working Group on Product Recalls and Safety, supported by a BEIS secretariat, was announced, bringing together key stakeholders to consider wider issues of product safety and recall.<sup>56</sup> On 19 July 2017, the Government published

52 Lynn Faulds Wood has stated that she did not think that the Government had taken her Review seriously. See: BBC News Online, [Government ‘failing on product safety’](#), (19 June 2017).

53 BIS, [UK Consumer Product Recall Review: The Government response to the Independent Recall Review by Lynn Faulds Wood](#), (February 2016) p 5.

54 As above. The Government stated in August 2016 that the evidence and material from the Review of Trading Standards would be taken forward as part of the Cutting Red Tape Review of Local Authority Regulation and Enforcement. See: HL WA [HL1312](#).

55 HC Hansard, 13 September, 2016, [col. 876](#)

56 BIS, [Information about the Working Group on Product Recalls and Safety](#), (November 2016). The meetings notes for the Working Group can be found [here](#).

the Working Group's report.<sup>57</sup> In his foreword, the Working Group chair, Neil Gibbons, said that unlike other sectors, there was a disconnect between central Government and front line services on consumer product safety matters when technically difficult decisions around corrective actions and recalls were made.<sup>58</sup> The report noted some progress. The British Standards Institute had drawn up a detailed proposal for consultation on a code of practice on product service corrective action (including recall).<sup>59</sup> The Working Group had looked at improving Primary Authority voluntary relationships between local authorities and product manufacturers, importers and retailers.<sup>60</sup> It also explored increasing consumer registration of appliances.<sup>61</sup> It made a number of recommendations, set out in Box 4<sup>62</sup>:

**Box 4: Key Recommendations of the Working Group on Product Recalls and Safety**

A need for centralised technical and scientific resource capability to support decision making and co-ordination of activity of Local Authorities and the businesses that they regulate.

A detailed Code of Practice should be developed with input from all relevant stakeholders; this should be informed by behavioural insights research. This should set out expected good practice with regard to product safety corrective actions (including recalls).

Full considerations should be given to establishing central capacity to co-ordinate product safety corrective actions at a central level.

Systematic and sustainable ways to capture and share data and intelligence should be established and agreed by relevant parties—this should make use of existing systems used by Trading Standards and the Fire Service.

Manufacturers and retailers should continue to work together and through standards setting bodies to develop technological solutions to product marking and identification.

Primary Authority provides a key mechanism for ensuring that businesses, local authority and BEIS expertise is shared to ensure the protection of consumers.

That registration of appliances and other consumer goods with manufacturers by consumers should be encouraged to make corrective actions (including recalls) more effective.

17. On 1 November 2017, the Minister responsible for consumer issues, Margot James MP, stated that the Government intended to publish its response to the Report and a new code of practice for recalls by the end of 2017.<sup>63</sup>

57 BEIS, [Working Group on Product Recalls and Safety Report](#), (19 July 2017).

58 As above, p 4.

59 As above pp 21–22. It noted that taking this forward as a project would require 9 months from project initiation to project completion to ensure that the proposed code learnt from, and did not conflict with, existing sector specific codes of practice.

60 As above p.23.

61 As above p.24.

62 As above p. 5.

63 HC Hansard, 1 November 2017, col. [407WH](#).



### **Progress on product safety**

18. We are concerned by the lack of progress made in implementing the recommendations made by Lynn Faulds Wood, almost two years ago. The recommendations she made are sensible and have been supported by a range of stakeholders.<sup>64</sup> Several stakeholders have been concerned at the lack of action, including Lynn Faulds Wood herself, who was reported as saying of the reaction of Ministers to her review: “I thought it was shocking. It made me feel they had wasted my time and a lot of other people’s time.”<sup>65</sup> It is evident that the Government, rather than accepting the findings of the review it commissioned, have instead repackaged and watered down its proposals through subsequent steering groups and working groups.<sup>66</sup> Frustration at the pace of progress almost made the National Fire Chiefs withdraw from the original steering group overseeing implementation of Faulds Wood’s recommendations; they told us that they were also disappointed with the lack of urgency in the Working Group report published in July.<sup>67</sup>

**19. Progress on improving the safety of electrical goods has been painfully slow. The Lynn Faulds Wood Review was published nearly two years ago, and made a number of sensible suggestions to improve product safety which are widely supported. It is disappointing that her recommendations have still not been implemented but instead watered down by further reviews. The Government has not presented clear reasons for this further delay. We recommend that the Government publish a full response to the Faulds-Wood Review, not subsequent iterations, by the end of February 2018 at the latest.**

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64 [Q45–Q 48](#) [Peter Mooney]; [Q142](#) [Leon Livermore]; Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 16–17; HC Hansard, 1 November 2017, col. 388WH; Leigh Day, [Product safety lawyer ‘extremely disappointed’ by lack of progress on product recall](#), (19 July 2017).

65 BBC News, [Government ‘failing on product safety’](#), (19 June 2017)

66 [Q48](#) [Peter Mooney]

67 [Q51 -Q54](#) [Charlie Pugsley]

### 3 Whirlpool Tumble Dryers

20. The problems with Whirlpool's tumble dryers clearly demonstrated the challenges posed by a defect in a mass manufactured product under the present product safety system. These included the logistical difficulties for companies in dealing with millions of large electrical products and contacting their owners. The episode highlighted the actions of manufacturers in terms of their assessment of risk, decision-making, advice to consumers and attitude to scrutiny. It highlighted concerns about the relationship between manufacturer and regulator when dealing with a national product safety problem. It also exposed a central weakness in the UK's product safety system—that consumers could not access from a well-publicised central point details of the Whirlpool appliance defect and the agreed corrective actions.

#### Defects with Whirlpool Tumble Dryers

21. In 2014, the world's biggest appliance manufacturer, US-based Whirlpool, bought the Italian company Indesit. After reviewing its products, Whirlpool found safety issues with several of its dryers under the Hotpoint, Indesit, Creda and Proline brands.<sup>68</sup> Whirlpool alerted authorities in the UK and Europe about these defective appliances sold between April 2004 and September 2015 and launched a campaign to address this issue in November 2015.<sup>69</sup> The problem identified was that excess fluff could catch the heating element in the machine and cause a fire.<sup>70</sup> Since 2004 there have been at least 750 fires caused by this problem.<sup>71</sup> Whirlpool confirmed to us that 5.3 million affected machines had been manufactured for the UK market.<sup>72</sup>

#### The Modification/Repair Programme

22. Whirlpool reported its concern to Peterborough Trading Standards (PTS) under the Primary Authority arrangements,<sup>73</sup> as the defective appliances posed a serious or moderate risk to health and safety, in line with the standard procedure.<sup>74</sup> Whirlpool and PTS agreed on a repair campaign to modify the defective machines, rather than the alternative option of a full product recall.<sup>75</sup> If a full recall had been agreed, customers would have been given a refund, a replacement or a partial refund for older models and would have been

68 [Letter](#) from Whirlpool to BEIS Committee Chair, (20 December 2017).

69 BBC News Online, [Fire risks prompt tumble dryer recall](#), (23 November 2015). See Whirlpool's site: <https://safety.hotpoint.eu/country.jsp?lang=en>.

70 As above

71 Which?, [113 Hotpoint, Indesit and Creda tumble dryer models pose fire risk](#), (December 2015). See also: HC Hansard, Col 875. In 2015–16, 676 fires were caused by tumble dryers in England alone, resulting in 46 injuries and fatalities (Electrical Safety First, [Electrical Safety First Core Data Set – England](#), (accessed 16 October 2017)).

72 [Letter](#) from Whirlpool to BIS Committee Chair, (February 2016).

73 A Primary Authority enables businesses to form a legal partnership with one local authority, which then provides assured and tailored advice on complying with environmental health, trading standards or fire safety regulations that other local regulators must respect. For more information see [gov.uk guidance on Local Regulation: Primary Authority](http://gov.uk/guidance/Local-Regulation:Primary-Authority).

74 See also Q69 [Sian Lewis].

75 In terms of the modification programme, it has noted in letters to the BEIS Committee that it cost Whirlpool over \$250mn and that it employed 1,500 engineers to modify defective machines and nearly 1,000 call centre agents to handle customer queries and to book engineer visits. It also stated that it sent over 4 million letters, emails and text messages and used various media to reach consumers. By December 2017, it had modified over 1.65 million tumble dryers some 50% of the defective tumble dryers that were estimated to still be in circulation. See letter to BEIS Committee (October 2017) and BEIS Committee Chair (December 2017) and Q68 to Q82 [Ian Moverley].



told to not use affected dryers.<sup>76</sup> In evidence, Whirlpool told us that the modification programme was the most effective way of addressing a defect with a large white goods product and one that was environmentally sustainable.<sup>77</sup> Whirlpool also did not have the capacity to replace all affected machines if a full recall had been initiated.<sup>78</sup> In April 2017 the Government, whilst acknowledging some problems, praised the steps Whirlpool had taken. The responsible Minister, Margot James MP, stated that though statutory recall was one option, making modifications in a consumer's home could be more proportionate, appropriate and effective in some cases.<sup>79</sup>

23. The decision not to recall was criticised by Which? and others on the grounds that a full recall might have ensured more defective machines were removed from people's homes.<sup>80</sup> Witnesses told us that the modification programme was too slow, leaving dangerous defective machines in people's homes.<sup>81</sup> According to Charlie Pugsley of the National Fire Chiefs Council, this was "clearly an issue for people in flats with limited space, particularly if they have young children".<sup>82</sup> This risk was exacerbated because customers were, surprisingly, advised they could continue using a defective machine. As Charlie Pugsley, noted: "if you know there is a risk of fire ... tell people not to use it".<sup>83</sup>

### ***Problems with the Whirlpool modification/repair programme***

24. The modification programme began in November 2015. But it soon became clear that it was struggling to meet demand. By February 2017, there were reports that there was a 12 month wait for some consumers.<sup>84</sup> There are still issues being reported,<sup>85</sup> and in correspondence with us Whirlpool did eventually admit to the long waiting times.<sup>86</sup> In correspondence with the Committee, Maurizio Pettorino, Managing Director, Whirlpool UK, noted that despite its best efforts it had not managed to contact all of those affected and that some 86,000 customers who had registered their appliance with Whirlpool as needing modification had not booked an engineer visit, though Whirlpool had attempted subsequent communication.<sup>87</sup> Despite the modification and repair programme, Whirlpool have conceded that only about 50% of the 5.3 million tumble dryers have been modified.<sup>88</sup> Whirlpool confirmed that, taking the lifecycle of such machines into account, there are probably one million defective machines still in people's homes.<sup>89</sup> **The decision to not initiate a full product recall of defective tumble dryers is open to question. We note environmental concerns, Whirlpool's lack of capacity to replace defective machines, the steps that it took to deliver the modification programme and the logistical challenges it faced. However, the modification programme was far too slow. Given the number of fires caused by tumble dryers, we consider it unacceptable that there are**

76 BBC News, [Truth, fires and tumble dryers: Are our home appliances safe?](#), (11 October 2016).

77 Q69 [Ian Moverley] and [Q69 [Sian Lewis]. It was suggested that this was a standard routine for large white goods, with recall used more for smaller items which typically could be posted.

78 Letter from Whirlpool to BEIS Committee Chair.

79 HC Deb, 26 April 2017, [Col 558WH](#).

80 Q13 [Peter Moorey].

81 Q13 [Peter Moorey] and Q22 [Martyn Allen].

82 Q17 [Charlie Pugsley].

83 As above.

84 BBC News, [Owners told not to use dangerous tumble dryers after all](#), (February 2017).

85 Q13 [Peter Moorey].

86 [Letter](#) from Whirlpool to BEIS Committee Chair, (20 December 2017).

87 [Letter](#) from Whirlpool to BEIS Committee (16 October 2017). See also Q103 [Ian Moverley].

88 Q131 [Ian Moverley]; Which? put the figure at 40%—Q12 [Peter Moorey].

89 Q102 [Ian Moverley]

still a million defective machines in people’s homes, with no timetable for ensuring their safety. Whirlpool should explain how it will deal with these remaining defective and potentially dangerous machines and devote the necessary resources to achieving this. Customers who contact Whirlpool who have a defective machine should expect resolution with two weeks of contacting the company.

### **Advice that owners could continue using defective machines while awaiting repairs**

25. Whirlpool and Peterborough Trading Standards (PTS) agreed on advice that owners who had defective tumble dryers could continue using these machines if they cleaned the fluff from the machine’s filter and did not leave the machine unattended. In evidence to us, this advice was criticised by Which?, Electrical Safety First and the London Fire Brigade.<sup>90</sup> We were surprised to discover that different advice was given in other countries regarding the continued use of tumble dryers with this same defect. For example, Australian authorities told owners to stop using tumble dryers with this defect in January 2016. This was a whole year before UK advice was similarly changed to tell consumers not to use their defective machines.<sup>91</sup> Consumers in other countries were still using machines with this defect months after the advice was changed in the UK to stop using them.<sup>92</sup>

26. In August 2016, the London Fire Brigade had put pressure upon Whirlpool and PTS to change its advice after a fire at Shepherd’s Bush Green, a block of flats, caused by an Indesit tumble dryer, where the owner had been in attendance.<sup>93</sup> In December 2016, Which? launched a judicial review against the advice, as it thought PTS should have enforced a change in advice earlier. Following the filing of the judicial review, PTS issued two enforcement notices in January 2017 requiring Whirlpool to change its advice. After initially lodging an appeal against the wording of the new advice, Whirlpool complied and advised that until repaired, tumble dryers should not be used.<sup>94</sup> Which? then withdrew its application for judicial review. We repeatedly asked Mr Moverley, Whirlpool’s UK Brand and Communications Director, what actions Whirlpool had taken in relation to the advice. When asked whose initiative, it was to change it he told us: “There was a review from independent experts conducted by trading standards. At the conclusion of that [PTS] asked us to update the advice”.<sup>95</sup> In our view, Whirlpool should have been much more proactive, especially when it knew that different advice was being given in Australia. While the change of advice was welcomed,<sup>96</sup> Which? maintained its calls for a full product recall.<sup>97</sup> It underlined its view that the Primary Authority arrangement between manufacturer and regulator was broken: it blurred the roles of local Trading Standards in acting as both advisor and enforcer and made it difficult to challenge decisions, leaving judicial review

90 Q22 [Martyn Allen]; Q16 [Charlie Pugsley];

91 [Letter](#) from Whirlpool to BEIS Committee Chair (December 2017).

92 As above.

93 London Fire Brigade, [We want Whirlpool to change advice on faulty white goods after tower block blaze](#), 26 August 2016. BBC, [Shepherd’s Bush tower block fire caused by faulty tumble dryer](#), (27 August 2017). See also Q16 [Charlie Pugsley].

94 The Guardian, [Hotpoint tells tumble dryer owners: unplug faulty machines due to fire risk](#), (22 February 2017). Whirlpool admitted in a letter to the BEIS Chair (24 November 2017), that it was “necessary to lodge an appeal” with PTS to change the wording of the new advice.

95 Q185 [Ian Moverley].

96 Electrical Safety First, [Electrical Safety First responds to Whirlpool’s updated advice](#), (February 2017); Local Government Association, [LGA responds to new safety advice for fire-risk tumble dryers](#), (22 February 2017).

97 Q11 and Q21 [Peter Moorey]. This was also the position of the Chartered Trading Standards Institute—Q69 [Leon Livermore].

as an expensive remedy.<sup>98</sup> We were shocked to hear that Whirlpool and Peterborough Trading Standards continued to advise consumers they could use defective appliances, even after a major fire and in the face of criticism from consumer safety organisations. The advice to consumers to attend appliances while in operation was unrealistic and—given that a fire occurred when this advice was followed—patently inadequate. We find it deeply concerning that consumers in Australia were given different advice in respect of the same products for a full year before advice to UK consumers was updated. This episode raises questions about the efficacy of Primary Authority relationships, the ability of local Trading Standards to deal alone with nationwide problems and strengthens the case for a national product safety agency.

## Continuing concerns about Whirlpool

27. When invited to give evidence in person, we were disappointed that Whirlpool decided to send its UK Brand and Communications Director, Ian Moverley, rather than a Managing Director or Head of Global Safety. A number of questions we asked were not answered, for example relating to faulty door mechanisms,<sup>99</sup> its use of third party experts,<sup>100</sup> the issuing of Regulation 28 Notices,<sup>101</sup> and risk assessments.<sup>102</sup> There was also a reluctance to answer questions on UK product safety generally. Mr Moverley, when asked a question on this answered: “It is not for me to make a judgement on the product safety system itself”.<sup>103</sup> This was surprising as Whirlpool is part of a Primary Authority relationship and contributes to the Working Group on Product Recalls and Safety and to standards organisations.

28. Several of Mr Moverley’s answers had to be clarified subsequently in writing. Although he did not acknowledge under questioning, Mr Moverley admitted in correspondence that Whirlpool had felt it “necessary to lodge an appeal in respect of the notice” issued by PTS in January 2017.<sup>104</sup> This was surprising, as under questioning he stated: “there was not an appeal or review of a decision about changing advice after the Shepherd’s Bush fire”.<sup>105</sup> The fire occurred in August 2016 and prompted the London Fire Brigade and Which? amongst others to press for a change. Mr Moverley should have mentioned the appeal in January 2017 because it was clearly relevant.

98 Which?, [Which? launches a judicial review to push for action on Whirlpool](#), (23 December 2016). See also: Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 16–17.

99 Q74 [Ian Moverley]. Another defect in the door mechanism of certain tumble dryer models was found to have been involved in several fires, including one in Llanwrst, North Wales, which killed 2 men. The Whirlpool witness said he would need to come back to the Committee on this.

100 Q94 [Ian Moverley]. Whirlpool were asked about statements made by Whirlpool’s former Head of Global Safety at the Llanwrst Inquest regarding its use of external experts to look at the risk posed by defects. In a letter to the BEIS Committee Chair (24 November 2017), Whirlpool confirmed it routinely uses third party experts and that its former Head of Global Safety might have been “misinterpreted”.

101 Q78 [Ian Moverley]. Regulation 28 Notices provide coroners with the duty to make reports to a person, organisation, local authority or government department or agency where the coroner believes that action should be taken to prevent future deaths. See: <https://www.judiciary.gov.uk/related-offices-and-bodies/office-chief-coroner/pfd-reports/>. In a letter to the BEIS Committee Chair (24 November 2017), Whirlpool confirmed that they have been served two Regulation 28 Notices, in 2014 and 2017.

102 Q114 [Ian Moverley]. In a letter to the BEIS Committee Chair (24 November 2017), Whirlpool said that it had carried risk assessments in relation to defective door mechanisms and found no evidence of an issue. This is discussed below.

103 Q65 and Q165 [Ian Moverley].

104 See [letter](#) from Whirlpool to BEIS Chair (24 November 2017).

105 Q176 [Ian Moverley]

29. We asked Whirlpool whether different advice was given in Australia. Mr Moverley told us: “Whirlpool gave the same advice in all markets including Australia, that consumers could continue to use their appliances”.<sup>106</sup> We asked Whirlpool to clarify this as we found evidence that different advice was given in Australia in January 2016.<sup>107</sup> Whirlpool then acknowledged that the Australian Competition and Consumer Commission (ACCC) issued its own advice to stop use.<sup>108</sup> It also stated that after the advice was changed in the UK in January 2017, advice “was updated to consumers in Ireland, France and Australia through March and April 2017 and the rest of the world followed from June 2017”. This indicates that advice was not consistent. Mr Moverley should have told us this when he gave evidence.

30. In 2016 Whirlpool, because of long waiting times for repairs, had offered consumers a new appliance at a reduced cost. However, the day after we took evidence, it was reported Whirlpool was ending the scheme, despite there still being a million defective machines in people’s homes.<sup>109</sup> Whirlpool later told us that this was because significant waiting times no longer occurred. They have assured us that affected consumers will still be able to purchase a new appliance at the same reduced cost.<sup>110</sup> A coroner in a recent inquiry described the attitude of Whirlpool as “defensive and dismissive”. This mirrored our experience. **Whirlpool failed to provide an appropriate representative to give evidence, gave incomplete answers to questions and were required to provide subsequent clarifications and reassurance regarding its actions. This does not strike us as the actions of a company seeking to repair consumer trust after serious safety failures with its products.**

31. Another defect in the door mechanism of some Whirlpool models was identified as the cause of a fatal fire in Llanwrst, North Wales in 2014.<sup>111</sup> This was a completely different defect from the one identified as being responsible for the Shepherd’s Bush Green fire, which was related to excess fluff being exposed to machine parts. The Inquest confirmed that the door mechanism defect had been responsible for other fires too. However, Mr Moverley stated: “we are not doing a modification programme in relation to the door switch”.<sup>112</sup> He elaborated on the company’s reasoning: “... it is understanding the proportional number of incidents against the manufacturing”.<sup>113</sup> The Association of Manufacturers of Domestic Appliances (AMDEA) agreed that Whirlpool should have acted in this case.<sup>114</sup> Whirlpool was heavily criticised by the Llanwrst Assistant Coroner in the Regulation 28 Report he issued as a result of the Inquiry.<sup>115</sup> He required Whirlpool take corrective action.<sup>116</sup> He articulated his “considerable concern” around whether Whirlpool was able to learn from the incident and take necessary steps. In addition,

106 Q129 [Ian Moverley].

107 <https://www.productsafety.gov.au/recall/indesit-company-spa-ariston-and-indesit-domestic-tumble-dryers>. The Australian advice was that use of defective machines should stop immediately.

108 See letter from Whirlpool to BEIS Committee Chair, (24 November 2017). The ACCC is the Australian national consumer safety organisation, see the [ACCC website](#) for more information on their role.

109 Kate Morley, [Whirlpool cancels replacement scheme despite 1m faulty dryers still in homes](#), Daily Telegraph, (1 December 2017). This was reported the day after Whirlpool appeared before the Committee.

110 [Letter](#) from Whirlpool to BEIS Committee Chair, (20 December 2017).

111 See: BBC News Online, [Tumble dryer action call after fatal Llanwrst fire](#), (28 November 2017).

112 Q124 [Ian Moverley]

113 Q112 [Ian Moverley]

114 Q119 and Q120 [Sian Lewis]

115 Regulation 28 Notices provide coroners with the duty to make reports to a person, organisation, local authority or government department or agency where the coroner believes that action should be taken to prevent future deaths

116 The Coroner issued a Regulation 28 Report.

he questioned its risk assessment processes,<sup>117</sup> criticised its “defensive and dismissive” attitude, and characterisation of reported fires involving its products as “soft data”.<sup>118</sup> Whirlpool is preparing its response to this verdict.<sup>119</sup> **We share the Llanwrst Coroner’s deep unease at Whirlpool’s approach to risk and its inaction when confronted with evidence that another product defect, different from the one which had caused the Shepherd’s Bush Green fire, was responsible for other fires and several deaths. We are not clear why Whirlpool did not act on the defect which caused the Llanwrst fire but did on the defect which caused the Shepherd’s Bush Green fire. Nor do we understand how more generally risk analysis informs its response to the identification of defects. Whirlpool and other manufacturers should make available such risk assessments as soon as a defect is apparent. We call upon Whirlpool to publish full details of the fault highlighted in the Llanwrst case and the risk assessment they carried out in relation to it. We also share the Coroner’s concerns as to whether Whirlpool can learn lessons, given the quality of the evidence it gave us. Subject to its response to recent criticisms, we may seek further evidence from senior Whirlpool representatives as part of a wider inquiry on product safety.**

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117 The London Fire Brigade have campaigned for manufacturers to make available their risk assessments of defects as soon as they become apparent. See: London Fire and Emergency Planning Authority, Parliamentary Briefing: White Goods Safety, (updated 2017).

118 Guardian, [Coroner raises concerns at Whirlpool’s attitude to deadly tumble dryer fire](#), (30 November 2017),

119 [Letter](#) from Whirlpool to BEIS Committee Chair, (20 December 2017).



## 4 Plastic-Backed Fridges and Freezers

### The Campaign against plastic-backed fridges and freezers

32. Generally speaking, the risk from fridge freezers is not as great as that posed by tumble dryers, though Electrical Safety First still found that in 2015/16 there were 214 fires in England involving these appliances, which resulted in a total of 27 serious injuries or fatalities.<sup>120</sup> However, it is the specific risk that plastic-backed fridge freezers pose which has become a focus of consumer safety organisations. The London Fire Brigade (LFB) is concerned that such appliances do not shield flammable insulation from failures of electrical parts which, if ignited, can cause large, rapidly developing fires that spread quickly, giving off highly toxic gases.<sup>121</sup> The Grenfell fire is thought to have started in a defective Hotpoint fridge freezer.<sup>122</sup> The LFB note that the US has different standards, which require more fire-retardant materials to be used, which has led to fewer and smaller fires than the UK and fewer injuries. In the US there is an average of one injury for every 25 fires involving fridges, freezers or fridge freezers, whereas in the UK, one in every five fires in fridges or freezers result in someone being injured.<sup>123</sup> In August 2017, the LFB wrote to the Prime Minister to call for a change to the standards for fridge freezers,<sup>124</sup> and a month later Which? announced that it would no longer recommend plastic-backed fridge freezers, including almost 240 models.<sup>125</sup> The LFB also called for such products to be properly marked so that the make and model could be identified after a fire, so trends could be tracked.<sup>126</sup> The Government has not responded to these recommendations.

### Wider issues for products standards

33. The fact that the standards for fridge freezers have not changed despite the articulation of these concerns raises questions around whether the standards process is “fit for purpose” and capable of responding adequately when safety risks emerge.<sup>127</sup> This is despite the consistently significant number of fires, deaths and injuries related to such appliances, and demonstrable evidence concerning their flammability across a range of brands and models.<sup>128</sup> We heard from AMDEA that one of the reasons why change was slow was because the number of fridge freezer fires was “actually very low”.<sup>129</sup> We found

120 Electrical Safety First, [Electrical Safety First Core Data Set – England](#), (accessed 16 October 2017).

121 In 2015 it posted footage highlighting the differences in flammability between plastic-backed and metal-backed fridges, illustrating the superiority of the latter. See: London Fire Brigade, [Fridge freezer delay putting lives at risk](#), (3 March 2015).

122 See: Angela Monaghan, [Grenfell Tower fire: MP says public must be told to stop using Hotpoint model](#), [Guardian](#), (27 June 2017). See also: BBC News Online, [Consumers told to stop buying ‘fire-risk’ fridges](#), (21 September 2017) and National Fire Chiefs Council, [Submission to Independent Review of Building Regulations and Fire Safety](#), (October 2017), p 27.

123 London Fire Brigade, [New report calls for safer fridge freezers](#), (January 2013)

124 The London Fire Brigade, [Thousands of dangerous white goods are still being used in homes across the UK](#), (18 August 2017). The letter was also signed by the London Mayor of London, Sadiq Khan and Electrical Safety First.

125 Which?, [Stop making fire-risk fridges, freezers and fridge freezers’ says Which?](#), (21 September 2017). Which? found that of 26 Hotpoint models they examined, only one had fire-resistant backing. None made by Ikea had one, and of 12 Indesit models, only two had the safety feature. By contrast, all the models made by Beko, Bosch, Grundig, LG, Miele, Samsung and Siemens were fully protected. Most of these have metal backs, but are more expensive brands. Which? also included its own footage of the flammability of such appliances. Q26 [Peter Moorey].

126 london-fire.gov.uk, [Mark all appliances with model and serial number so they can be identified after a fire](#).

127 Q23 [Peter Moorey and Charlie Pugsley] and Q83 [Leon Livermore].

128 Q23 and Q24 [Charlie Pugsley]

129 Q91 [Sian Lewis]

this response complacent. Some 214 fires in England were caused by fridge freezers in 2015/16, which resulted in a total of 27 injuries and deaths.<sup>130</sup> It leads us to question what risk analysis is being used by manufacturers to inform standards and what is deemed an acceptable level of risk for their products. Witnesses made the case to us that a new National Product Safety Agency could take the lead to ensure that standards change when evidence shows that it is required.<sup>131</sup>

**34. There appears to be a significant risk associated with plastic-backed fridge freezers, based on the number of fires associated with them, testing which demonstrates their flammability, and the better safety record of alternatives used in the United States. This suggests that there is a case for manufacturers to take action now to use safer materials in the construction of these products, in advance of any regulatory changes. We agree with the London Fire Brigade that products such as fridges and freezers should be properly marked so that they can be identified following a fire.**

**35. The fact that this issue has been known for some time and has not been addressed indicates that it can take too long for safety standards to be updated. We are particularly concerned as to how risk assessments are used by manufacturers to inform standards and what steps are taken to communicate to consumers information about safety and levels of risk.**

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130 This compares to 646 fires involving tumble dryers and 241 fires involving dishwashers. See: Electrical Safety First, [Electrical Safety First Core Data Set – England](#), (accessed 16 October 2017).

131 Q23 [Charlie Pugsley] and Q38 [Peter Moorey].

## 5 Improving the UK's Product Safety Regime

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### A National Product Safety Agency

36. In her independent review, Lynn Faulds Wood recommended the creation of an official national product safety agency, to show leadership and coordinate the product safety system.<sup>132</sup> She said that this was central to her other recommendations and pointed to the UK's Food Standards Agency as an example of what she had in mind. This approach has been supported by others and was backed by witnesses who gave evidence to the Committee.<sup>133</sup> For instance, a national product safety agency could help improve the coordination of information and address gaps in data which is hampering the tracking of trends and analysis which would help prioritise actions.<sup>134</sup> It has been suggested that such a national agency should add to the existing product safety landscape and not “tear it up”.<sup>135</sup> Both the Chartered Trading Standards Institute and the Local Government Association have maintained that improved central support for local Trading Standards could be instituted straightaway and that plans for a national agency should not slow this down.<sup>136</sup> **We have not explored in detail all the arguments relating to the establishment of a national product safety agency but it seems on the surface a sensible way to address generic safety issues, particularly given the uncoordinated and fragmented nature of existing arrangements. We recommend that the Government carries out and publishes a cost benefit analysis of the options for reallocating and concentrating existing resources, both centrally and locally, with a view to combining into a single national product safety agency.**

### Single Site for Recalls, Product Safety and Registration

37. A major criticism levelled at the current system is the absence of a single site where consumers can locate product safety information, including details of products subject to a recall or other corrective actions.<sup>137</sup> Lynn Faulds Wood, for instance, identified in her review over 30 different websites where consumers could access such information.<sup>138</sup> This has resulted in recalls being typically only about 10 to 20% effective, with millions of potentially unsafe products remaining in consumers' homes.<sup>139</sup> There has therefore been

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132 Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 6.

133 Q3 [Peter Moorey]; Q72 [Ian Moverely]; Leon Livermore [Q170]; Sian Lewis [Q171]. See also: Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 2; Leigh Day, [Product safety lawyer 'extremely disappointed' by lack of progress on product recall](#), (19 July 2017).

134 See: Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 15–16 and p 19; National Audit Office, [Protecting consumers from scams, unfair trading and unsafe goods](#), (HC 851; December 2016), p 27; Q7–9 [Charlie Pugsley].

135 Q170 [Leon Livermore].

136 Local Government Association, [LGA responds to Which? report on product safety and recall system](#), (19 July 2017); Letter from Leon Livermore to Chair of the BEIS Committee, (21 November 2017).

137 Q32 [Peter Moorey]; Q34 [Charlie Pugsley].

138 Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 15.

139 Q34 [Martyn Allen]. See also: Electrical Safety First, [Consumer Voices on Product Recall](#), (2014), p 4.



support for an independent central place where consumers can access information about product recalls and product safety, alongside simple and effective publicising of relevant information. This was recommended by Lynn Faulds Wood and by other stakeholders.<sup>140</sup>

38. There has also been support for improving the registering of products by consumers, which would make product recalls and contact between manufacturers and consumers easier.<sup>141</sup> At present, only about 33% of electrical products are registered.<sup>142</sup> The main reasons for this low rate appear to be a lack of awareness of the uses of registration forms, the ease with which people can register and a fear of the use of this information for marketing purposes.<sup>143</sup> In January 2015, AMDEA introduced a government backed scheme—the Register My Appliance portal—aimed at addressing this problem.<sup>144</sup> It provides access to the registration pages of companies supplying over 90% of large white goods sold in the UK. However, it does not cover all appliances and there is no requirement to register. We do not have confidence that a voluntary scheme will be effective. A more reliable option might be automatic registration at point of sale.<sup>145</sup> Alternatively, the single portal for product recall and product safety information could provide a central point for consumers to register their goods.<sup>146</sup>

**39. It is deeply worrying that our current product safety regime allows millions of potentially dangerous products to remain in circulation. The Government should give serious consideration to introducing a single portal for white electrical goods where consumers can access comprehensive information about product recalls and register their products. The Government should also explore introducing automatic registration of white goods at point of sale. More widely, the Government should look at how to reach customers with unsafe goods across other product ranges, such as small electrical goods, clothing and lower value items. We believe these steps would significantly reduce the risk recalled products pose and would represent a major benefit for consumer awareness.**

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140 Lynn Faulds Woods, [UK consumer product recall: An independent review](#), (February 2016), p 6; Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 28; National Fire Chiefs Council, [Supplementary Evidence: The Safety of Electrical Goods in the UK and the UK's Product Safety and Product Recall Regimes](#), (November 2017).

141 [Q40 to Q44](#) [Martyn Allen], See also Electrical Safety First, [Consumer Voices on Product Recall](#), (2014).

142 As above p 10–11.

143 As above p 10–13.

144 AMDEA introduced the [portal](#) in January 2015. The Government gave its support in January 2017: BEIS, [Consumer minister urges people to register their appliances](#), (19 January 2017). AMDEA noted at its launch that it provided quick access to the registration pages of 62 leading brands, representing over 90% of the large white goods sold in the UK—AMDEA, [Register My Appliance Day](#), (21 January 2015).

145 Q41 [Martyn Allen].

146 Electrical Safety First, [Consumer Voices on Product Recall](#), (2014), pp 4–5.

## 6 Other issues and next steps

### The impact of Brexit upon electrical product safety

40. There are a number of issues relating to product safety that this report does not cover, not least the impact of Brexit. The Government have said that they will transpose all EU legal requirements into UK law when we leave the EU.<sup>147</sup> The Minister, Margot James MP, has stated that there will be “no dilution” in consumer standards, protections and rights, as a result of Brexit.<sup>148</sup> We welcome this assurance. However, there are a number of ways in which this objective can be pursued during the negotiations with the EU.<sup>149</sup> These include whether the UK stays broadly in line with EU standards,<sup>150</sup> and the nature of its relationship with EU bodies and systems, such as RAPEX,<sup>151</sup> and European but non-EU bodies, such as CEN and CENLEC.<sup>152</sup> There is also a need to establish what new responsibilities the UK product safety system will need to take on and how it will be resourced.<sup>153</sup> For instance, there may be a case for one central agency to take responsibility for liaising with EU institutions and bodies such as CEN and CENELEC. We note the December 2017 report of the Lords EU Justice Sub-Committee on consumer safety post-Brexit, which called for the Government to set out its plans for ensuring access to relevant EU consumer protection databases and systems.<sup>154</sup> Consumer safety is but one of the many issues relating to access to markets and regulatory divergence which we are considering separately as part of our sector based assessments of the impact of Brexit, and may warrant further consideration as negotiations progress.

### The safety of second hand and online electrical goods

41. The London Fire Brigade and others have highlighted the dangers of second hand electrical goods. For example, they cite evidence of second hand goods subject to a product recall still being sold.<sup>155</sup> Similar concerns have also been raised regarding the online sale of electrical goods which have been sub-standard and dangerous.<sup>156</sup> Both these issues warrant further consideration, potentially as part of a wider inquiry that we undertake in future.

147 House of Commons Library, [Effect of UK Leaving the EU on Consumers and Consumer Protection](#), (October 2017), p 2.

148 House of Lords EU Justice Sub-Committee, Corrected oral evidence: Brexit: Consumer Protection Rights, (19 December 2017), [Q53](#).

149 There are a number potential outcomes from Brexit, all of which will have different implications for consumer safety. For a discussion of this see: House of Commons Library, [Impact of Brexit on UK Consumer Regime](#), (October 2017), p 11–16. The opportunities and challenges facing the UK product safety regime through Brexit are also discussed in: Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017), p 20–23.

150 Jones Day, [Brexit: Product Regulation and Safety—Some Initial Considerations for Importers](#), (October 2016). See also: House of Commons Library, [Impact of Brexit on UK Consumer Regime](#), (October 2017), pp 9–10.

151 EU technical bodies include the European Chemicals Agency (ECHA), the [Scientific Committee on Consumer Safety](#) and the [Scientific Committee on Health, Environmental and Emerging Risks](#) which provides advice on various consumer safety, health and the environment issues. For a discussion of this see: Susanna Nijsten and Serge Koumatchev, [What are the implications of Brexit for European Harmonised Law on product safety?](#), Health and Safety International, (accessed 15 December 2017).

152 [Q60](#) [Martyn Allen]; [Q57](#) [Peter Moorey]; Susanna Nijsten and Serge Koumatchev, [What are the implications of Brexit for European Harmonised Law on product safety?](#), Health and Safety International, (accessed 15 December 2017).

153 [Q57](#) [Peter Moorey].

154 House of Lords EU Justice Sub-Committee, [Brexit: will consumers be protected?](#), (HL 51; 19 December 2017).

155 See for example: London Fire Brigade, [Greater regulation over the sale of second-hand appliances](#), (accessed 17 December 2017) and BEIS, [Working Group on Product Recalls and Safety Report](#), (19 July 2017), p 8.

156 See for example: Electrical Safety First, [Dangerous Fakes Being Sold Through Leading Online Retailers](#), (November 2015). ESF also published guidance for consumers on the buying of online electrical goods: ESF, [Buying electrical goods online? The safe shopper’s guide](#), (May 2016).

## Conclusions and next steps

42. This report has highlighted a number of concerns we have about the UK's product safety regime, some of them exposed by the slow and inadequate reaction of Whirlpool to the identification of safety concerns with some of its appliances. The Government has established reviews to address some of these issues, yet has not demonstrated the necessary degree of urgency in taking forward the wholly sensible recommendations that have emerged. We will consider the Government's response to recent reviews, and this report, before determining the nature and scope of a more detailed examination of the UK consumer protection regime.

## Conclusions and recommendations

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### Electrical Product Safety in the UK

1. The reductions in funding for both local Trading Standards and National Trading Standards have been well documented; we share concerns about the impact these are having on the product safety regime in the UK. The devolved and fragmented nature of the current system makes it difficult for consumers to have confidence in consistent enforcement and effective co-ordination on the sharing of information and the setting of priorities at a national level. The wide range of responsibilities falling to local Trading Standards and the tightening of resource constraints present a risk that—in the absence of central government intervention—product safety may lose out to other legitimate priorities. (Paragraph 13)
2. Progress on improving the safety of electrical goods has been painfully slow. The Lynn Faulds Wood Review was published nearly two years ago, and made a number of sensible suggestions to improve product safety which are widely supported. It is disappointing that her recommendations have still not been implemented but instead watered down by further reviews. The Government has not presented clear reasons for this further delay. (Paragraph 19)
3. *We recommend that the Government publish a full response to the Faulds-Wood Review, not subsequent iterations, by the end of February 2018 at the latest.* (Paragraph 19)

### Whirlpool Tumble Dryers

4. The decision to not initiate a full product recall of defective tumble dryers is open to question. We note environmental concerns, Whirlpool's lack of capacity to replace defective machines, the steps that it took to deliver the modification programme and the logistical challenges it faced. However, the modification programme was far too slow. Given the number of fires caused by tumble dryers, we consider it unacceptable that there are still a million defective machines in people's homes, with no timetable for ensuring their safety. Whirlpool should explain how it will deal with these remaining defective and potentially dangerous machines and devote the necessary resources to achieving this. Customers who contact Whirlpool who have a defective machine should expect resolution with two weeks of contacting the company. (Paragraph 24)
5. We were shocked to hear that Whirlpool and Peterborough Trading Standards continued to advise consumers they could use defective appliances, even after a major fire and in the face of criticism from consumer safety organisations. The advice to consumers to attend appliances while in operation was unrealistic and—given that a fire occurred when this advice was followed—patently inadequate. We find it deeply concerning that consumers in Australia were given different advice in respect of the same products for a full year before advice to UK consumers was updated. This episode raises questions about the efficacy of Primary Authority relationships, the ability of local Trading Standards to deal alone with nationwide problems and strengthens the case for a national product safety agency. (Paragraph 26)

6. Whirlpool failed to provide an appropriate representative to give evidence, gave incomplete answers to questions and were required to provide subsequent clarifications and reassurance regarding its actions. This does not strike us as the actions of a company seeking to repair consumer trust after serious safety failures with its products. (Paragraph 30)
7. We share the Llanwrst Coroner's deep unease at Whirlpool's approach to risk and its inaction when confronted with evidence that another product defect, different from the one which had caused the Shepherd's Bush Green fire, was responsible for other fires and several deaths. We are not clear why Whirlpool did not act on the defect which caused the Llanwrst fire but did on the defect which caused the Shepherd's Bush Green fire. Nor do we understand how more generally risk analysis informs its response to the identification of defects. Whirlpool and other manufacturers should make available such risk assessments as soon as a defect is apparent. We call upon Whirlpool to publish full details of the fault highlighted in the Llanwrst case and the risk assessment they carried out in relation to it. We also share the Coroner's concerns as to whether Whirlpool can learn lessons, given the quality of the evidence it gave us. Subject to its response to recent criticisms, we may seek further evidence from senior Whirlpool representatives as part of a wider inquiry on product safety. (Paragraph 31)

### Plastic-Backed Fridges and Freezers

8. There appears to be a significant risk associated with plastic-backed fridge freezers, based on the number of fires associated with them, testing which demonstrates their flammability, and the better safety record of alternatives used in the United States. This suggests that there is a case for manufacturers to take action now to use safer materials in the construction of these products, in advance of any regulatory changes. We agree with the London Fire Brigade that products such as fridges and freezers should be properly marked so that they can be identified following a fire. (Paragraph 34)
9. The fact that this issue has been known for some time and has not been addressed indicates that it can take too long for safety standards to be updated. We are particularly concerned as to how risk assessments are used by manufacturers to inform standards and what steps are taken to communicate to consumers information about safety and levels of risk. (Paragraph 35)

### Improving the UK's Product Safety Regime

10. We have not explored in detail all the arguments relating to the establishment of a national product safety agency but it seems on the surface a sensible way to address generic safety issues, particularly given the uncoordinated and fragmented nature of existing arrangements. We recommend that the Government carries out and publishes a cost benefit analysis of the options for reallocating and concentrating existing resources, both centrally and locally, with a view to combining into a single national product safety agency. (Paragraph 36)

11. It is deeply worrying that our current product safety regime allows millions of potentially dangerous products to remain in circulation. The Government should give serious consideration to introducing a single portal for white electrical goods where consumers can access comprehensive information about product recalls and register their products. The Government should also explore introducing automatic registration of white goods at point of sale. More widely, the Government should look at how to reach customers with unsafe goods across other product ranges, such as small electrical goods, clothing and lower value items. We believe these steps would significantly reduce the risk recalled products pose and would represent a major benefit for consumer awareness. (Paragraph 39)

### Other issues and next steps

12. This report has highlighted a number of concerns we have about the UK's product safety regime, some of them exposed by the slow and inadequate reaction of Whirlpool to the identification of safety concerns with some of its appliances. The Government has established reviews to address some of these issues, yet has not demonstrated the necessary degree of urgency in taking forward the wholly sensible recommendations that have emerged. We will consider the Government's response to recent reviews, and this report, before determining the nature and scope of a more detailed examination of the UK consumer protection regime. (Paragraph 42)

# Formal Minutes

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**Tuesday 9 January 2018**

Members present:

Rachel Reeves, in the Chair

Vernon Coaker	Rachel Maclean
Drew Hendry	Albert Owen
Stephen Kerr	Mark Pawsey
Peter Kyle	Antoinette Sandbach
Ian Liddell-Grainger	

Draft Report (*The safety of Electrical Goods in the UK*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 42 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Third Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 10 January at 9.45 am

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Tuesday 31 October 2017

*Question number*

**Charlie Pugsley**, National Fire Chiefs Council, **Pete Moorey**, Head of Campaigns, Which?, and **Martyn Allen**, Technical Director, Electrical Safety First [Q1–60](#)

**Sian Lewis**, Association Executive, Association of Manufacturers of Domestic Appliances, **Leon Livermore**, Chief Executive, Chartered Trading Standards Institute, and **Ian Moverley**, Communications Director, Whirlpool UK Appliances [Q61–198](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

SUK numbers are generated by the evidence processing system and so may not be complete.

- 1 National Fire Chiefs Council ([SUK0001](#))

## Related Correspondence

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The following correspondence was also published as part of this inquiry:

- 1 [Letter from the Chair to Ian Moverley, Whirlpool UK Appliances Ltd relating to evidence session additional questions 9 November 2017](#)
- 2 [Letter from Ian Moverley, Whirlpool, to the Chair concerning tumble dryer safety, 24 November 2017](#)
- 3 [Letter from the Chair to Ian Moverley, Whirlpool. relating to safety concerns, 1 December 2017](#)



## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website.

### Session 2017–19

First Report	A framework for modern employment	HC 352
Second Report	Leaving the EU: implications for the civil nuclear sector	HC 378
First Special Report	Industrial Strategy: First Review: Government Response to the Committee's Second Report of Session 2016–17	HC 337
Second Special Report	Corporate governance: Government Response to the Committee's Third Report of Session 2016–17	HC 338
Fourth Special Report	Leaving the EU: negotiation priorities for energy and climate change policy: Government Response to the Committee's Fourth Report of Session 2016–17	HC 550