



House of Commons

Business, Energy and Industrial  
Strategy Committee

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# The safety of electrical goods in the UK: follow-up

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**Second Report of Session 2019**

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

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## Business, Energy and Industrial Strategy Committee

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Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Gary Calder (Media Officer), Ian Cruse (Committee Specialist), Rebecca Davies (Clerk), Matthew Eaton (Committee Assistant), Alison Groves (Second Clerk), James McQuade (Senior Committee Assistant), Becky Mawhood and Ashleigh Morris (Committee Specialists).

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## Summary

It is astonishing that four years after Whirlpool revealed defects in its tumble dryers there could still be up to 800,000 such machines in people's homes. The programme to modify or replace such machines has been too slow, while doubts have now emerged over the safety of its modification to address this defect. Rather than dealing with this properly, Whirlpool have used Non-Disclosure Agreements (NDAs) to silence customers and have sought to deflect the concerns of safety organisations, customers and this Committee. Its attitude to safety was further exposed with its improbable suggestion that the Grenfell fire, rather than originating in one of its fridges, as the Metropolitan Police found, was caused by a stray cigarette.

The Whirlpool saga provided the Office for Product Safety and Standards (OPSS), set up in January 2018, with an ideal opportunity to stamp its authority on product safety and address a serious a major product safety issue. Sadly, OPSS have not delivered. It did not question Whirlpool's over optimistic estimates of the remaining unmodified machines and could not even force Whirlpool to publish a full list of defective machines, which safety organisations and MPs had demanded. Instead it took our intervention. It also took nine months to produce a slim Review of Whirlpool's modification. The Review did not speak to affected customers and failed to assure safety organisations because it did not publish a full risk assessment, because of concerns over commercial confidentiality. These failings question its authority, independence and transparency.

In addition, OPSS has not yet delivered a fully operational and credible hub for consumers to register their electrical goods and access information on recalls, a comprehensive injury database or indelible marking for electrical goods. We called for these in January 2018, echoing the calls of safety organisations and campaigners. Without these improvements the product safety system in the UK is effectively running with one hand tied behind its back, unable to track trends, identify dangerous products or contact customers when they are identified. OPSS acknowledges that these are key issues to tackle but it must move out of scoping and consultation mode and act.

Similarly, the OPSS has not made enough progress on the sale of recalled second -hand electrical goods or those that do not meet safety standards. The OPSS has been reactive, typically acting after prompts from safety organisations and campaigners when dangerous goods have been found online or on the high street. The OPSS must compel those who sell electrical goods, or facilitate their sale, to ensure that they are safe and not subject to a recall before they are placed for sale.

Failure to make more progress in these areas and to tackle manufacturers such as Whirlpool is exacerbated by OPSS's lack of civil sanctions. OPSS must become the truly independent and transparent regulator that we and others have called for, armed with a full array of powers to exert authority and ensure that we can have confidence in the safety of our electrical goods.

The Minister has said that she will consult on the role of OPSS and that this will include considering making it an arms-length body like the Foods Standards Agency. She has also confirmed that the Government will address concerns over the use of NDAs. This is to be welcomed, but progress must not be stalled by more scoping.

Finally, the Minister has acknowledged the funding issues facing Local Trading Standards (LTS), the eyes and ears of the OPSS and the local product safety enforcer. LTS are struggling because they are primarily funded through local government grants, which have been cut, with other local priorities often taking precedence. We highlighted this in January 2018, as have others since, and we are surprised that no action has been taken. The Department for Business, Energy and Industrial Strategy must stop hiding behind cuts elsewhere and take responsibility for LTS and work with others across Government to ensure it is fully funded.

# 1 Introduction

1. In January 2018, we published our report *The Safety of Electrical Goods in the UK*.<sup>1</sup> This inquiry considered the safety of electrical goods, because they are a major source of housefires, as indicated below:<sup>2</sup>

**Box 1: Domestic Appliance Fires in England by Appliance - 2010/11 and 2018/19**

DOMESTIC_APPLIANCE	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
<b>England</b>	<b>19067</b>	<b>18780</b>	<b>17988</b>	<b>17311</b>	<b>17167</b>	<b>17070</b>	<b>16332</b>	<b>16173</b>	<b>15463</b>
Audio equipment	21	29	25	18	20	18	17	12	16
Barbecue	69	74	59	96	66	77	87	88	124
Battery charger	24	38	37	55	72	79	67	91	71
Blow lamp/Paint remover	110	129	87	130	89	93	53	81	60
Camping stove	33	27	32	49	39	40	36	40	45
Cooker incl. oven	9723	9707	9426	9109	9227	9113	8692	8655	8285
Deep fat fryer	223	236	212	202	202	181	196	212	182
Dishwasher	406	440	383	391	356	253	307	265	209
Electric blanket	83	84	88	75	48	59	51	31	44
Electric kettle	28	29	21	21	37	22	33	33	21
Extractor fan	150	162	187	194	171	163	179	185	183
Fridge/Freezer	267	301	297	265	275	226	218	206	229
Gardening equipment	5	6	3	5	6	4	7	7	6
Grill/Toaster	2325	2183	2027	1926	1840	1890	1615	1570	1425
Hair dryer	52	52	36	54	50	57	48	48	35
Iron	77	97	67	71	52	48	38	54	44
Microwave oven	1021	1030	1017	1008	1039	1034	1000	987	998
Other cooking appliance	315	358	264	238	197	208	199	209	220
Other domestic style appliance	334	289	170	147	116	148	134	117	153
Other electrical visual equipment	31	21	21	17	20	24	20	13	15
PC equipment (domestic use)	46	37	47	43	26	37	60	67	53
Ring/hot plate (separate appliance)	2163	2040	1933	1823	1793	1858	1697	1657	1626
Spin dryer	61	53	72	50	46	46	35	44	44
Tumble dryer	611	539	705	590	681	684	808	727	638
TV	166	159	111	86	68	65	51	56	62
Vacuum cleaner	19	23	22	19	27	19	18	26	16
Video/DVD	8	8	5	5	5	5	2	6	4
Washer/Dryer combined	87	76	88	68	64	80	67	86	71
Washing machine	609	553	546	556	535	539	597	600	584

Source: Home Office, [Publishing Incident Recording System data on the fire and rescue service at an Incident Level](#), (September 2019), p 10

2. Our Report highlighted key deficiencies in the UK's product safety system, including:
- The lack of a central national product safety agency;
  - The absence of a credible and comprehensive hub for product registration and recall information;
  - The need for better marking of electrical goods;
  - Incomplete injury and incident data collection;
  - And, the under-funding of Local Trading Standards.

1 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018).

2 Home Office, [Publishing Incident Recording System data on the fire and rescue service at an Incident Level](#), (September 2019), p 10

3. We were disappointed by the slow progress in these areas, especially since February 2016, when Lynn Faulds Wood made a series of sensible and well-received recommendations to address the gaps in our product safety system.<sup>3</sup> We noted that ongoing problems with Whirlpool’s defective tumble dryers and concerns with plastic-backed fridges were emblematic of the wider problems in the system.<sup>4</sup>

4. In response to our report, the Government announced the creation of an Office for Product Safety and Standards (OPSS) within the Department for Business, Energy and Industrial Strategy. The Government’s response also stated that OPSS would focus on some of the issues that we identified, such as upgrades to the Government’s existing recall database,<sup>5</sup> concerns over Whirlpool’s tumble dryer modification programme,<sup>6</sup> and improvements to standards on plastic-backed fridges.<sup>7</sup>

5. Though we welcomed the establishment of OPSS and the Government’s commitment to address many of the issues that we raised, it was soon clear that major concerns still remained. Problems with Whirlpool’s tumble dryers continued, as it appeared that many unmodified tumble dryers were not being fixed or replaced.<sup>8</sup> We identified serious reservations about Whirlpool’s modification,<sup>9</sup> and its approach to its customers, including the use of Non-Disclosure Agreements.<sup>10</sup> There have also been concerns about the continuing sale of plastic-backed fridges,<sup>11</sup> and of dangerous electrical goods both online and on the high street,<sup>12</sup> including recalled second hand goods.<sup>13</sup> These ongoing issues raised questions about the role of OPSS, and its apparent lack of progress in delivering some of the reforms we and others had called for.

6. We therefore decided to revisit the progress made to the safety of electrical goods since our previous report. We held two evidence sessions on 2 and 23 July 2019 with key stakeholders to examine progress made since our last report. The sessions focused on

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3 Lynn Faulds Wood, [UK Consumer Product Recall: An Independent Review](#), (February 2016). [Lynn Faulds Wood](#) is a long-standing and highly respected campaigner on consumer safety issues. She has worked for BBC’s Watchdog, and has been consumer champion for ITV’s TV-am and GMTV as well as BBC’s Breakfast Time. She was asked by the then Department of Business Innovation & Skills (BIS) to carry out an independent review of the UK’s product safety system.

4 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 14–21.

5 BEIS Committee, [The safety of Electrical Goods in the UK: Government Response to the Committee’s Third Report](#), (HC 920; 28 March 2018). The Government said it would upgrade existing content in Spring 2018 and build an extensive data hub of all corrective action and recall programmes affecting consumer ready for full public access in 2019.

6 As above, pp 4–6.

7 As above, pp 7–8.

8 See: Guardian, Whirlpool and retailers selling its tumble dryers ‘give poor safety advice’; Which? says customer services gave wrong advice about models at risk of catching fire, (April 2018); Independent, Whirlpool accused of failing to act on fire-risk tumble dryers, (April 2018);

9 See: Daily Mirror, Tumble dryer fix ‘botched’: Probe says Whirlpool fire risk remains despite modification, (April 2018); Daily Mail, Faulty dryers ‘still a fire danger after they’ve been fixed’, (May 2018).

10 See: Daily Mail, [‘I was gagged over fire in ‘fixed’ tumble dryer’: Mother, 35, who fled blazing home with her four children was ‘told to sign a document’ by manufacturers to keep her quiet](#), (May 2019); Daily Mail, [Gagging outrage over blazing Whirlpool tumble dryers: Mother’s machine caught fire AFTER being fixed... then company made her sign a pledge not to speak out](#), (April 2019).

11 See: Independent, Flammable fridges still on sale two years after Grenfell, (July 2019); Daily Telegraph, Grenfell plastic-backed fridges are banned - but still on sale, (July 2019); Daily Mirror, Shops still selling ‘fire-risk’ fridges, watchdog in warning over plastic-backed products, (February 2019); Independent, Plastic-backed fridges must be ‘urgently’ removed from sale, says Which?; (April 2018).

12 See: Politics Home, Carolyn Harris MP: We must end the unregulated selling of electrical goods online, (July 2019); Guardian, Dangerous fake electric goods sold on Amazon and eBay, research says, (June 2018);

13 See: BBC News, Warning over Whirlpool danger dryers being sold online, (July 2019); The Sun, DRYER DANGER Recalled fire-risk Whirlpool tumble dryers STILL on sale on eBay, (July 2019).

Whirlpool's defective tumble dryers, plastic-backed fridges and the role of OPSS and its ability to make significant improvements to the UK's product safety regime, particularly in those areas we had identified as requiring attention.

7. We heard from Which? the London Fire Brigade, Electrical Safety First, Jemma Spurr (a Whirlpool Customer), representatives from Whirlpool, Lynn Faulds Wood, the Minister and the Office for Product Safety and Standards. We are grateful to all those who contributed to the inquiry, including Alice Beer from ITV's This Morning, who submitted evidence and directed viewers who had experienced issues with their Whirlpool tumble dryers to our website.

## 2 Whirlpool Tumble Dryers

8. In our previous Report, published in January 2018, we considered the way in which problems with Whirlpool's tumble dryers were handled exemplified many of the things that were wrong with the UK's product safety system. Tumble dryers continue to cause fires. In England alone, there were 638 such fires in 2018–19, down from 724 fires in 2017–18.<sup>14</sup> Tumble dryers are owned by 58% of UK households,<sup>15</sup> and Whirlpool is a clear market leader in the sale of such goods.<sup>16</sup> Safety issues with Whirlpool's tumble dryers were identified after it bought Indesit, which included several brands.<sup>17</sup> These brands include Hotpoint, Indesit Creda, Swan and Proline<sup>18</sup>. A full list of defective models can be found on Whirlpool, Which? and Electrical Safety First's websites.<sup>19</sup> The company initiated a programme to modify 5.3 million defective machines. Our Report questioned:

- The decision not to recall the defective machines;
- The speed of the modifications;
- The quality of the advice given by both Whirlpool and Peterborough Trading Standards;<sup>20</sup>
- And, the attitude of Whirlpool towards product safety.<sup>21</sup>

We also highlighted the lack of a central product recall database and a national agency with the independence and authority to deal with a major product safety challenge, such as Whirlpool's defective tumble dryers. Below we revisit what progress has been made since. This includes the impact of the Office for Product Safety (OPSS), established after our report was published, in dealing with Whirlpool and the Government's decision to serve a recall on Whirlpool. We also consider the safety of Whirlpool's modification programme and its use of Non-Disclosure Agreements.

14 Home Office, [Publishing Incident Recording System data on the fire and rescue service at an Incident Level](#), (September 2019), p 10. The number of such fires peaked at 808 in 2016–17.

15 See: Statista, [WASHERS & DRYERS](#), (2019), p 26; AMDEA, [Drying: Tumble Dryers](#), (accessed 30 October 2019).

16 See: Mintel, [WASHERS AND DRYERS - UK](#), (May 2016), Figure 37: Manufacturer shares of laundry appliances, by volume, 2013 and 2015.

17 Between 2004 and 2015 it was reported that there were 750 fires in the affected Whirlpool machines. See: BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), p 14. Which? noted that between 1 April 2014 and 31 March 2016, Hotpoint was linked to almost a third (31%) of fires in tumble dryers that were linked to faulty appliances and leads, and where the brand was recorded. See: Which?, [Revealed: the brands linked to the most appliance fires](#), (February 2018). See also: Guardian, [Whirlpool named 'worst offender' for white goods fires in London](#), (November 2017).

18 See: BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), p 14.

19 See: <https://safety.hotpoint.eu/img/affected-dryers.pdf>; <https://www.which.co.uk/consumer-rights/advice/whirlpool-tumble-dryer-safety-alert>; <https://www.electricalsafetyfirst.org.uk/product-recalls/2017/02/hotpoint-indesit-creda-swan-and-proline-tumble-dryers/>.

20 As above, pp 16–17. This included advice that consumers could use affected machine if they attended the machines. This was criticised by fire safety organisations, especially after a fire in flats at Shepherd's Green in involving an unmodified machine that was attended to.

21 The Committee was critical that Whirlpool sent its Communication Director to give evidence and noted criticism of Whirlpool's attitude whilst giving evidence to an inquiry into the deaths of two men in Llanrwst in North Wales.

## Whirlpool's Recall of Unmodified Tumble Dryers

9. Our previous report drew attention to the slowness of Whirlpool's modification programme and noted that, by January 2018, there were still a million defective machines in people's homes, with no clear timetable for ensuring their safety.<sup>22</sup> By July 2019, Whirlpool claimed that this figure had reduced to 500,000 machines,<sup>23</sup> a figure accepted by the Government.<sup>24</sup> However, this figure was queried by Which? and others.<sup>25</sup> Whirlpool subsequently admitted that of a million defective machines in October 2017, they had only resolved problems with another 45,000 machines.<sup>26</sup> On further questioning, they acknowledged that there still could be up to 800,000 unmodified machines in people's homes.<sup>27</sup>

**10. We find it astonishing that 18 months after we published our first report on the safety of electrical products there are still up to 800,000 defective and dangerous machines in people's homes. It is equally surprising that the Office for Product Safety and Standards did not question the basis of Whirlpool's estimates which were substantially less. This raises questions about OPSS's independence, competence and its ability to challenge a company whose attitude to product safety had already been subject to heavy criticism.**

11. Whirlpool had previously refused to publish a full list of all the defective models so that consumers could easily identify whether they had one.<sup>28</sup> Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool, maintained that its model checker was "the easiest tool to use" but agreed to publish the full list online, which it did on 9 July 2019.<sup>29</sup> Publication of the list was welcomed by safety organisations.<sup>30</sup>

**12. Whirlpool's modification programme started in November 2015. It is very disappointing that it took up until July 2019 for Whirlpool to publish a full list of defective tumble dryers as requested by safety organisations and MPs. We are particularly concerned that OPSS and the Minister did not intervene to compel Whirlpool to provide this information. This is further evidence of the inability of OPSS to provide proper challenge to companies on product safety matters.**

22 BEIS Select Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 14 -15. Whirlpool indicated that they had addressed 1.7 million defective tumble dryers.

23 [Q84](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation. This was despite Whirlpool telling us in April 2018 that they were taking on average a week to resolve cases for customers with defective machines and had sent 11 million letters to potential customers and used social, print and broadcast media to reach more customers. See: [Letter](#) from Whirlpool to BEIS Committee Chair, dated 10 April 2018.

24 HC Hansard, [col. 53](#), 17 June 2019. The Minister noted that the figure of 500,000 came from a Whirlpool in reply to an inquiry from Which?.

25 [Q2](#), Sue Davies, Strategic Policy Adviser, Which? See also HC Hansard, [Recall of Tumble Dryers](#), (17 June 2019).

26 [Q84](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation.

27 [Q91](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation. Whirlpool said that they had estimated there could be between 300,000 and 800,000 such machines.

28 [Q5](#), [Q6](#) and [Q10](#), Sue Davies, Strategic Policy Adviser, Which?; Jemma Spurr, Whirlpool customer. She noted that many customers found Whirlpool's model checker hard to use and that further confusion was caused by the array of makes and models involved. See also: [Q12](#), Martyn Allen, Technical Director, Electrical Safety First and Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade. This also been raised by several MPs, such as Andy Slaughter and Carolyn Harris. See for example: HC Hansard, [Recall of Tumble Dryers](#), (17 June 2019) cols 50 to 61.

29 [Q100 to Q101](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation. Jeff Noel confirmed that the list was uploaded on 9 July: [https://safety.hotpoint.eu/match.jsp?lang=en\\_GB](https://safety.hotpoint.eu/match.jsp?lang=en_GB).

30 See for example: Which?, [Whirlpool finally publishes list of fire-risk tumble dryers](#), (9 July 2019).

13. In May 2018, OPSS launched a review of Whirlpool’s modification programme. This included a review of the modification itself, (discussed below), but also of Whirlpool’s effectiveness in replacing or modifying machines. The Review was published on 4 April 2019. It acknowledged that Whirlpool had made efforts to address the defective machines but concluded that it had to do more, including taking further action to monitor the efficacy of its modification programme and employing new and different methods to reach consumers.<sup>31</sup> OPSS gave Whirlpool 28 days to respond<sup>32</sup> and on 10 May 2019 wrote to Whirlpool to express concerns about the apparent lack of progress.<sup>33</sup> On 11 June 2019, the Minister informed Whirlpool of its intention to serve a recall notice. After an exchange of letter between OPSS and Whirlpool,<sup>34</sup> on 10 July 2019 the Minister announced a full recall of unmodified defective tumble dryers.<sup>35</sup> The recall included several options for consumers, including: an entitlement to a new replacement machine;<sup>36</sup> an upgrade for a small additional fee;<sup>37</sup> a refund based on product age; or an in-house modification with additional quality assurance procedures for any new modifications in consumers’ homes. The recall also required Whirlpool to deliver a significant consumer outreach campaign and weekly updates to OPSS to provide effective and timely reporting of progress made in the product recall.<sup>38</sup>

14. OPSS note that between 11 July and 22 October 2019, 515,975 customers had used Whirlpool’s dedicated recall website and that 90,254 customers had registered through Whirlpool’s call centre to have their defective machines resolved. Of those who had contacted Whirlpool, 53,889 had had their case resolved, and on average this took between 6.7 and 10.6 days.<sup>39</sup>

**15. We welcome the Government’s decision to compel Whirlpool to recall up to 800,000 of its defective and potentially dangerous tumble dryers. However, it took far too long to make this decision, which has transformed the situation. Now the recall is in place, 53,889 machines have been made safe or replaced in four months; before the recall, it took 20 months to make 45,000 machines safe. We recommend that the Government reviews and reports on how Trading Standards and OPSS dealt with Whirlpool and set out what lessons can be learnt for dealing with future product safety issues, especially in terms of product recalls for large and mass purchased white goods. We also recommend that OPSS and the Minister keep the pressure up on Whirlpool and continue to publish regular updates on progress.**

31 [HCWS1490](#), 4 April 2019.

32 [WQ 259440](#), 11 June 2019.

33 [WQ 252626](#), 15 May 2019. The Minister noted

34 BEIS, [Exchange of letters between Whirlpool UK Appliances Ltd and the Office for Product Safety and Standards](#), (10 July 2019).

35 [HCWS1707](#), 10 July 2019.

36 Whirlpool told us that this would apply to tumble dryers that were up to 15 years old. [Letter](#) from Whirlpool to BEIS Committee chair, dated 19 July 2019.

37 Whirlpool noted upgrades would include: a fee of £59 for an upgraded vented model worth £259; a fee of £99 for an upgraded condenser model worth £349. [Letter](#) from Whirlpool to BEIS Committee Chair.

38 As above. The Minister noted that OPSS would receive weekly data reports from Whirlpool.

39 Letter from Minister to BEIS Committee Chair, dated 17 September. Of the 53,889 cases resolved: 38,387 machines have been replaced (free of charge); 9,764 machines have been part exchanged (upgraded); 2,036 machines have been collected and refunded; 3,702 machines have been modified. An average it took: 10.6 days for a product exchange; 9.4 days for a refund; 6.7 days for a modification. See: OPSS; [Update on Whirlpool tumble dryer recall progress](#), (22 October 2019); OPSS, [Update on Whirlpool tumble dryer recall progress](#), (13 September 2019).

## The Safety of Whirlpool's Modified Tumble Dryers and the role of OPSS

16. In November 2015, in order to address the fire risk in its machines, Whirlpool introduced a modification to its machines to prevent a build-up of lint contacting the heating element in its defective tumble dryers.<sup>40</sup> However, by May 2018 there were reports that modified tumble dryers were catching fire.<sup>41</sup> Safety organisations expressed concerns about the effectiveness of Whirlpool's modification (that it merely delayed lint build-up),<sup>42</sup> and the approval process for the safety of such a modification.<sup>43</sup> Whirlpool maintain that the modification is effective.<sup>44</sup> Michael Farrington, Verification and Validation Leader for Dryers, Vertical Axis Washers and Commercial Laundry, Whirlpool, told us that there had only been three cases of fires involving modified tumble dryers and that they were third party reports and not subject to internal Whirlpool analysis. He pointed to the modification's sign off by Peterborough Trading Standards and the OPSS as evidence of its efficacy.<sup>45</sup> Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool, suggested that fires in modified machines could have been caused by factors external to the machines.<sup>46</sup> The London Fire Brigade challenged this, and cited evidence of 16 fires reported in London alone as occurring in modified machines, 12 of which were subject to laboratory examination, with seven appearing to be related to lint build up.<sup>47</sup>

17. In May 2018, the then Minister for Small Business, Consumers and Corporate Responsibility, Andrew Griffiths MP, confirmed that OPSS would be reviewing Whirlpool's modification programme, including the effectiveness of the modification itself.<sup>48</sup> The Review was published on 4 April 2019.<sup>49</sup> The Review did not speak to Whirlpool

40 BEIS Select Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 14 -15. OPSS noted that the modification sought to improve the seal integrity of the unit, restrict air flow through the seal, and physically sweep away lint deposits. It was designed to reduce the overall quantity of lint present, not to eliminate any lint from accumulating on the rear drum seal. See OPSS, [BEIS Review of Whirlpool's Tumble Dryer Modification Programme](#), (April 2019), p 2.

41 For example, BBC Watchdog programme aired concerns in May 2018 that a number of modified tumble dryers had caught fire (BBC Watchdog, [Whirlpool](#), (aired May 2018)). ITV's This Morning also covered the story (ITV This Morning, [Written Evidence](#), 6 July 2019) as did Which? (Which?, [Which? and Watchdog find failings in Whirlpool's fire-risk tumble dryer fix](#), (26 April 2018).

42 See: London Fire, [White goods giant Whirlpool must be open with customers, warns London Fire Brigade](#), (21/2/2019); Which?, [Which? and Watchdog find failings in Whirlpool's fire-risk tumble dryer fix](#), (26 April 2018); BBC News, [Fresh fears over danger tumble dryers](#), (16 May 2018). The Daily Mail also reported that a Whirlpool engineer had said that the modification was not a permanent fix and only slowed down the build up of lint being exposed to the heating element (Daily Mail, [Whirlpool dryers that have been 'fixed' to make them safe ARE still a 'massive fire hazard', says former engineer](#), (12 May 2019)). Q40, Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade. He said he was concerned that the flawed modification might be merely delaying future incidents.

43 [Q34 to Q37](#). Martyn Allen, Technical Director, Electrical Safety First. He noted there had been no formal approval process for a modification, such as the one Whirlpool used.

44 See: [Letter](#) from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

45 [Q117 to Q122](#), Michael Farrington, Verification and Validation Leader for Dryers, Vertical Axis Washers and Commercial Laundry, Whirlpool.

46 [Q124 to Q125](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool. Jeff Noel also later questioned the number of fires reported in unmodified machines, which numbered 750 between 2004 and 2015. He stated: "the vast majority included situations where the consumer may have smelled something or saw wisps of smoke from heated lint, the results of which the machine operated as intended whereby nothing left the confines of the unit (non-breach). See [Letter](#) from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

47 Data supplied by London Fire brigade.

48 [Letter](#) from Minister to BEIS Committee Chair, dated 22 May 2018.

49 OPSS, [Office for Product Safety and Standards review of Whirlpool tumble dryer modification finds fire risk is low](#), (4 April 2019).

customers,<sup>50</sup> but included input from the Government’s Health and Safety Laboratory and the BEIS Chief Scientific Advisor, and an examination of 20 used purchased tumble dryers that had been modified.<sup>51</sup> There was disappointment that the Review had taken so long to carry out, and that it had only resulted in two short documents<sup>52</sup>—an overview of the review and an abbreviated risk statement.<sup>53</sup> While, the Review concluded that the risk to consumers who had had their Whirlpool tumble dryers modified was low,<sup>54</sup> it did, however, find variations in how the modifications had been applied to the machines it had tested. As it could not verify the history of the machines, the Review stated that it could not draw wider conclusions.<sup>55</sup>

18. Several witnesses told us that the Review carried out by the OPSS was flawed. Which? told us that despite providing OPSS with details of 35 customers who had had issues with modified machines,<sup>56</sup> OPSS had not followed up with customers,<sup>57</sup> nor had OPSS followed up on Which? testing which had identified a defective modified machine.<sup>58</sup> The London Fire Brigade also questioned why OPSS had not looked at other safety issues associated with Whirlpool tumble dryers, which we highlighted in our earlier report, noting that it had shared relevant data with both Whirlpool and OPSS.<sup>59</sup> Witnesses also questioned why it had not released the full risk assessment of Whirlpool’s modification,<sup>60</sup> which made it difficult to understand how it had used RAPEX methodology, the EU’s risk assessment

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50 [WQ 241473](#), 17 April 2019. The Minister stated that the Review included input from scientific, legal and product safety experts including from the Government’s Health and Safety Laboratory and the BEIS Chief Scientific Advisor but that “interviews with consumers did not form part of the review”.

51 As above.

52 See: London Fire Brigade, [Brigade responds to Office for Product Safety and Standards review of Whirlpool tumble dryers](#), (4 April 2019); Which?, [Which? slams toothless government Whirlpool dryer fires report](#), (4 April 2019).

53 The two documents can be found [here](#). The Review document ran to 5 pages and the risk statement to 3 pages. By comparison the documentation that accompanied the review of the fridge freezer Hotpoint FF175B model identified by the Metropolitan Police as being involved in the Grenfell Tower fire included: a narrative Summary Test Report (15 pages); Risk Statement (4 pages); Independent Test Report (95 pages). The Minister told the Committee that the Review would be “thorough and rigorous” ([Letter](#) from Minister to BEIS Committee Chair dated 18 March 2019).

54 OPSS, [Office for Product Safety and Standards review of Whirlpool tumble dryer modification finds fire risk is low](#), (4 April 2019).

55 [WQ 245584](#), 18 April 2019.

56 Which?, [The Effectiveness and Adequacy of Whirlpool’s Modification Programme: Which? Submission to the Office for Product Safety and Standards](#), (December 2018).

57 Which? state that OPSS were emailed by at least 6,928 people during the review but did not provide detail on how this information was used by the review.

58 [Q22](#), Sue Davies, Strategic Policy Adviser, Which?. Both Which? and the London Fire Brigade question the small number of modified machines that OPSS tested and the fact that they did not investigate a modified tumble dryer that had been involved in a fire or an incident where it overheated or caused smoke. Which?, [The Office for Product Safety and Standards Inquiry into Whirlpool’s Corrective Action Programme](#), (June 2018). Discussion with London Fire Brigade.

59 [Q23](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade. He noted issues with capacitors, drive belts, PCBs, motors and seals. We highlighted the issue of the door switch, which was identified as the cause of a fire in Llanwrst. Leigh Day Solicitors have also highlighted other problems with Whirlpool tumble dryers (Leigh Day, [Product safety lawyer backs call for a full recall of some Whirlpool machines from MPs](#), 13 May 2018). Whirlpool told us that the door switch raised as an issue in the Llanwrst Inquest was manufactured by Bitron and in its opinion did not have any safety issues that required attention. See: [Letter](#) from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

60 See: [Q40 and Q50](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade; [Q57](#), Martyn Allen, Technical Director, Electrical Safety First. Leigh Day have also criticised the decision by OPSS not to share the full risk assessment.

methodology.<sup>61</sup> Sue Davies, Strategic Policy Adviser, Which?, said that this made it impossible to understand how OPSS had concluded that the risk from modified tumble dryers was “low”,<sup>62</sup> which raised wider questions about the transparency of OPSS.<sup>63</sup>

19. OPSS accepted that a lot of the data they used to review the modification had been Whirlpool data, though they had challenged it with analytics, engineering and independent experts, and data supplied by the London Fire Brigade.<sup>64</sup> We were told that OPSS had required Whirlpool to carry out further quality assurance work on the modification,<sup>65</sup> and OPSS confirmed that since 2015 new Whirlpool tumble dryers had been manufactured with the modification alongside other changes Whirlpool had introduced into its machines.<sup>66</sup> Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy, also revealed that the reason why a full risk assessment had not been published was because some information might have been commercially sensitive.<sup>67</sup> Graham Russell MBE, CEO, Office for Product Safety and Standards, confirmed that this would be the case with other risk assessments involving other products and incidents, and that OPSS had “to make a decision on whether information is commercially confidential”.<sup>68</sup> He later told us:

Each investigation we undertake, including the Whirlpool investigation, must be conducted in line with relevant legislation, which provides a range of protections to those we regulate, including in relation to how we use our powers and how evidence is collected and used. In making an assessment of whether to release information provided to us in confidence in our role as a regulator, we consider a range of factors including: whether disclosure would help to protect the public; whether disclosure would involve a breach of confidence; whether the party concerned has raised concerns over disclosure; whether disclosure would prejudice the commercial interests of any party; the level of harm and the impact any possible disclosure would have and whether disclosure would be detrimental to ongoing or future investigations or other regulatory activities that protect consumers from unsafe products.<sup>69</sup>

The Minister told us that OPSS would meet with the London Fire Brigade to discuss its approach to risk assessments.<sup>70</sup>

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61 RAPEX is the EU’s risk methodology developed within the framework of the Directive on General Product Safety (GPSD). In driving a risk assessment, RAPEX seeks to: identify the risk; analyse the risk; and evaluate the level of risk. See: European Commission, [EU general risk assessment methodology \(Action 5 of Multi-Annual Action Plan for the surveillance of products in the EU \(COM\(2013\)76\)](#), (October 2015).

62 [Q44 and Q48](#), Sue Davies, Strategic Policy Adviser, Which?. She noted OPSS had said that it had used RAPEX methodology, an established methodology, but which required assumptions about the underlying data. If such data was not shared, she argued that it was difficult to understand the risk assessment.

63 [Q45](#), Sue Davies, Strategic Policy Adviser, Which?. See also: [Q40](#) Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade.

64 [Q178 to Q182](#), Graham Russell MBE, CEO, Office for Product Safety and Standards.

65 [Q183](#), Graham Russell MBE, CEO, Office for Product Safety and Standards.

66 [Q184](#), Graham Russell MBE, CEO, Office for Product Safety and Standards

67 [Q187](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy

68 [Q191](#), Graham Russell MBE, CEO, Office for Product Safety and Standards.

69 Letter from OPSS to BEIS Committee Chair, dated 12 September.

70 Minister to BEIS Committee Chair, dated 17 September 2019.

20. The OPSS review of Whirlpool's modification, which took nearly a year to complete, resulted in what can only be described as a flimsy report and risk assessment. The OPSS did not speak to consumers, was overly accepting of Whirlpool data, was unable to acquire traceable modified machines to test and concluded that the risk was low despite the London Fire Brigade identifying fires caused by modified machines. The paucity of published information makes it difficult to understand how OPSS had used the EU's RAPEX risk assessment methodology to reach its conclusions. It appears that this might have been because of commercial confidentiality concerns, which is deeply troubling, and we are not reassured by the OPSS's explanation of how it decides what to release and withhold. We welcome OPSS's overdue decision to meet with the London Fire Brigade to discuss how risk assessments can be shared in future. *We recommend that OPSS reviews the criteria it uses when deciding what data and information it withholds because of commercial confidentiality concerns and considers whether changes are required if current legislation inhibits data sharing to improve product safety. We also recommend that OPSS confirms what data sharing protocols it has agreed with the London Fire Brigade and other relevant product safety organisations.*

### Continuing Monitoring of the Safety of Whirlpool's Modification

21. The Minister told us that an expert panel was still considering and challenging OPSS's analysis and that BEIS was still continuing to analyse and request data from Whirlpool and this included investigating and understanding a number of causes of fires within Whirlpool's machines.<sup>71</sup> She added that there "may be more action in the future".<sup>72</sup> Graham Russell stated that OPSS was conducting inquiries with all white goods manufacturers, including Whirlpool, where incidents were reported,<sup>73</sup> and that OPSS was following up on information from other sources, speaking to customers who were willing to supply information.<sup>74</sup>

22. Following this, and in conjunction with ITV's This Morning,<sup>75</sup> we invited Whirlpool customers to share their experiences with us where there had been an incident with a modified tumble dryer. We had 53 responses where customers reported a problem with their modified tumble dryer, and of these: 17 reported a fire; 13 smoke coming from their tumble dryer; 15 a burning smell; and 6 that their machine overheated and/or tripped their electrics.<sup>76</sup> We have supplied details to OPSS.<sup>77</sup> By June 2019, OPSS had also received 7,000 emails from consumers in relation to its review of Whirlpool's actions.<sup>78</sup> The Minister thanked the Committee for supplying OPSS with the information that it

71 [Q201 and Q202](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

72 [Q201](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

73 [Q202](#), Graham Russell MBE, CEO, Office for Product Safety and Standards.

74 [Q205](#), Graham Russell MBE, CEO, Office for Product Safety and Standards.

75 This Morning have taken a long-term interest in Whirlpool's tumble dryers. See: ITV This Morning, [Written Evidence](#), 6 July 2019. This Morning noted that on their [Facebook Page](#), three customers had said that their tumble dryers had caught fire, 13 said that there had been smoke emanating from their machines, 11 had had mechanical issues with their machines.

76 2 customers also reported a build of lint in the machine.

77 We supplied details to BEIS where we received permission from the customer in line with GDPR guidance.

78 WQ 259438. The Minister noted that OPSS was following up with individual consumers who have provided relevant information to ensure that any evidence they hold can be recorded and analysed as incident data.

and This Morning had gathered.<sup>79</sup> She confirmed that OPSS was following up on this information and appealed for any other Whirlpool customers with relevant information to contact OPSS.<sup>80</sup>

**23. It was extraordinary that, given the concerns expressed by safety organisations about the modification and other problems with the machines, OPSS did not speak to customers as part of its Review. We have supplied OPSS with fresh data and evidence that they did not consider in the original review. We recommend that OPSS and BEIS conduct a new review of the safety of Whirlpool’s modification and investigate other possible sources of fires in Whirlpool’s tumble dryers and publish a full and comprehensive risk assessment. This should include an explanation of how RAPEX methodology has been used and customer testimonies assessed. The review should include a clear explanation of what risk means, in terms of the number of modified machines that might catch fire or malfunction.**

## Non-Disclosure Agreements and Product Safety

24. Several Whirlpool customers have signed Non-Disclosure Agreements (NDAs).<sup>81</sup> An NDA is a contract that contains clauses that restrict what a signatory can say, or who they can tell, and can also be confidentiality or gagging clauses, which prevent or limit what information can be shared.<sup>82</sup> One of Whirlpool’s customers—Jemma Spurr—gave us sight of the NDA she had signed. The NDA stated that in order to receive compensation, the customer would undertake to keep strictly confidential both the fact that the payment had been made and the circumstances that gave rise to it.<sup>83</sup> Jemma Spurr signed the NDA without legal advice.<sup>84</sup>

25. Whirlpool initially denied that they used “standalone NDAs”.<sup>85</sup> It later confirmed, however, that it had used an NDA similar to the one signed by Jemma Spurr on 23 other occasions, but could not tell us how many other confidentiality clauses it had used.<sup>86</sup> Jeff Noel, Corporate Vice President, Communications and Public Affairs, Whirlpool,

79 [Q207](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility

80 Letter from Minister to BEIS Committee Chair, dated 17 September 2019.

81 The use of NDAs was reported by the Daily Mail and centred on two customers - Jemma Spurr and Rebecca Robinson who had both been the victims of fires caused by modified Whirlpool tumble dryers. See: Daily Mail, [‘I was gagged over fire in ‘fixed’ tumble dryer’: Mother, 35, who fled blazing home with her four children was ‘told to sign a document’ by manufacturers to keep her quiet](#), (May 2019); Daily Mail, [Gagging outrage over blazing Whirlpool tumble dryers: Mother’s machine caught fire AFTER being fixed... then company made her sign a pledge not to speak out](#), (April 2019). Which? also confirmed that it was aware of two other Whirlpool customers other than Jemma Spurr who had been made to sign NDAs ([Letter](#) from Which? to BEIS Committee Chair, dated 17 July 2019).

82 See Women and Equalities Committee, [The use of non-disclosure agreements in discrimination cases](#), (HC 1720; 11 June 2019), pp 6–7. The Committee noted that there are three main types of agreement: agreements to protect intellectual property or other commercial or sensitive information; employment contracts, which can include clauses preventing the disclosure of confidential information during and after employment; and agreements to settle employment disputes or to end employment, (p 6).

83 Copy of Non-disclosure Agreement. The agreement specified that it was a “Non-disclosure Agreement”.

84 [Q21 and Q64 to Q65](#), Jemma Spurr, Whirlpool customer. She told us that her treatment by Whirlpool was “disgusting” and felt as if she was treated “like I was just another number”. Jemma told us of the deep distress that the fire had caused her and her young family. She noted that she had young children in her house when the fire broke out.

85 [Letter](#) from Whirlpool to BEIS Committee Chair, dated 18 April 2019.

86 [Letter](#) from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

apologised to Jemma Spurr,<sup>87</sup> and maintained that Whirlpool would “never prohibit” a customer who had signed an NDA from having contact with the regulator or a Parliamentary Committee.<sup>88</sup> It also said that it was reviewing its use of NDAs.<sup>89</sup>

26. Sue Davies, Strategic Policy Adviser, Which?, said that it was “absolutely incredible” that Whirlpool had used NDAs to silence people which had “huge implications” for public safety.<sup>90</sup> Charlie Pugsley, Deputy Assistant Commissioner, LFB, concurred, noting that he found it “baffling” that NDAs would be used to stop customers sharing product safety stories.<sup>91</sup> Lynn Faulds Wood, author of UK consumer product recall: An independent review, called for an inquiry into their use.<sup>92</sup>

27. Graham Russell MBE, CEO, Office for Product Safety and Standards, shared our concern about the use of NDAs but said that Whirlpool was not necessarily doing anything out of line with what other manufacturers were doing.<sup>93</sup> For example, we found that confidentiality clauses have been used in other industries in relation to compensation payments.<sup>94</sup> The Association of Manufacturers of Domestic Appliances (AMDEA), which represents the white goods industry, does not track whether its members routinely use NDAs in relation to product safety, nor does it offer guidance on their use.<sup>95</sup>

28. Graham Russell reassured us that OPSS was talking with the industry to ensure that consumers were not inhibited from talking to OPSS or other safety organisations about safety issues.<sup>96</sup> Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, agreed and said that NDAs should not be used to cover up product safety issues and invited customers who had signed such NDAs to contact the OPSS.<sup>97</sup> The OPSS is currently producing guidance on NDAs and will consult soon.<sup>98</sup>

**29. It is disgraceful that Whirlpool made customers who had been victims of fires involving its products sign NDAs in order to receive compensation to which they were entitled. Its treatment of Jemma Spurr was lamentable, though we welcome their subsequent apology. While Whirlpool maintain that such NDAs were not intended to prevent customers sharing information with regulators and safety organisations, this is clearly contradicted by the wording in the NDA Jemma Spurr was made to sign. It also ignores the chilling affect such legal devices have, because customers often sign such**

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87 [Q78](#), Jeff Noel, Corporate Vice President, Communications and Public Affairs, Whirlpool.

88 [Q150](#), Jeff Noel, Corporate Vice President, Communications and Public Affairs, Whirlpool.

89 [Letter](#) from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

90 [Q71](#), Sue Davies, Strategic Policy Adviser, Which?, She noticed that the use of NDAs had implications for the Review of Whirlpool’s modified tumble dryers because OPSS might not have received all the relevant information to make a proper assessment of the modification.

91 [Q73](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade.

92 [Q167](#), author of UK consumer product recall: An independent review.

93 [Q209 to Q210](#), Graham Russell, Graham Russell MBE, CEO, Office for Product Safety and Standards.

94 The Society of Motor Manufacturers Ltd (SMMT) told us that confidentiality clauses and NDAs served a legitimate purpose in protecting the confidentiality of a commercial settlement and was keen to stress that it was not the policy of its members to prevent public discussion of safety issues or the sharing of information with regulators ([Letter](#) from SMMT to BEIS Committee Chair, dated 16 August 2019). Several builders also noted that they had used confidentiality clauses, though they maintained that they were not used to stop customers discussing safety matters.

95 [Letter](#) from AMDEA to BEIS Committee Chair, dated 18 July 2019.

96 [Q210](#), Graham Russell, Graham Russell MBE, CEO, Office for Product Safety and Standards.

97 [Q212 to Q214](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

98 [Letter](#) from Minister to BEIS Committee Chair, dated 17 September 2019.

**NDA without legal advice. Whirlpool told us that they are currently reviewing their use of NDAs. We recommend that Whirlpool should stop using them with customers altogether.**

30. We are deeply concerned that NDAs and confidentiality clauses may be widely used. Though they are defended as protecting the interests of all parties, they should never be used to prevent consumers sharing product safety information with regulators and safety organisations. We do not know if Whirlpool's use of NDAs is typical. If it is, the implications are profound. The practice is dangerous (as regulators will be unaware of safety problems) and risks destroying consumer trust. We welcome the fact that the Minister and OPSS have confirmed that they are addressing this issue and will shortly bring forward guidance.

31. Jemma Spurr told us that in addition to Whirlpool making her sign an NDA, they had refused to give her the forensic report into the fire in her home.<sup>99</sup> We asked Jeff Noel, Corporate Vice President, Communications and Public Affairs, Whirlpool, whether he would release the report.<sup>100</sup> He replied 17 days later and told us that he could not disclose the forensic report because it remained "subject to litigation" though he told us that Whirlpool had supplied relevant details to the OPSS.<sup>101</sup> The Minister disagreed with Whirlpool's decision and said that she would take it up with them.<sup>102</sup> She later confirmed that Whirlpool had released the conclusion of the report,<sup>103</sup> which was confirmed by Jemma Spurr.<sup>104</sup> The LFB told us more generally that they were concerned that they did not see risk assessments following an incident, which made it difficult for them to prepare mitigations and feed into safety improvements.<sup>105</sup>

32. **It is unacceptable that a customer who has been through a distressing incident, such as a house fire, should not be told how that incident occurred. We welcome the Minister's intervention to obtain this information. However, there is a broader issue here. Consumers need to be confident that when they buy goods that there is transparency and trust between themselves and manufacturers, especially if those goods malfunction and cause injuries or major damage to homes. It is also imperative that fire safety organisations see such reports if they are to plan responses and input into product safety improvements. We recommend that the Government reviews what rights consumers have when they request information from a manufacturer if a product malfunctions and how much information is shared with safety organisations, such as the Fire Service.**

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99 [Q70](#), Jemma Spurr, Whirlpool customer.

100 [Q79 to Q80](#).

101 Letter from Whirlpool to BEIS Committee Chair, dated 19 July 2019.

102 [Q203 to Q204](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

103 Letter from Minister to BEIS Committee Chair, dated 17 September.

104 Correspondence with Jemma Spurr.

105 [Q50 to Q54](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade.

## Whirlpool's Attitude to Product Safety

33. We highlighted Whirlpool's poor attitude to product safety in our previous report.<sup>106</sup> We were dismayed to find ongoing evidence of this unsatisfactory attitude in our follow up inquiry. In addition to Whirlpool's handling of Jemma Spurr's case, in February 2018, another coroner expressed concerns about Whirlpool's response to an incident involving one of its machines, which killed a pensioner.<sup>107</sup> This attitude was also displayed in the evidence it gave to the Public Inquiry into the Grenfell Tragedy. Whirlpool suggested that the fire, (rather than being caused by a faulty Hotpoint fridge freezer, as the Metropolitan Police concluded),<sup>108</sup> might have been caused by a cigarette entering through an open window.<sup>109</sup> This view has been highly criticised,<sup>110</sup> not least because the flat in which the fire started in was on the fourth floor of the tower block.<sup>111</sup> Jeff Noel said it would be inappropriate to comment as the fire and its cause were subject to a public inquiry,<sup>112</sup> though he stated:

It is appropriate for anyone looking for the facts to outline possibilities and then make sure that those making the determination have all the data, information, facts and possibilities, so that they have the information they need to reach and render a conclusion.<sup>113</sup>

34. Whirlpool claim that there have only been three incidents involving its modified machines, when evidence gathered by the London Fire Brigade, Which?, ITV's This Morning and ourselves suggest otherwise. We are also sceptical about Whirlpool's assertions about the causes of some fires involving its machines. For example, in April 2018, Whirlpool told us that the spontaneous combustion of tea towels that retained flammable materials could cause fires in its tumble dryers,<sup>114</sup> and mentioned this in its evidence to the Coroner for the Llanwrst fire that killed two men.<sup>115</sup> We questioned Whirlpool about this. Michael Farrington told us that it was a phenomenon that "actually happens quite

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106 This included sending its Communication Director to give evidence in October 2017 and criticism by a coroner of its evidence and attitude to a Regulation 28 Inquiry following the deaths of two men in a fire in Llanwrst, North Wales. When Whirlpool gave evidence in July 2019 it sent a senior US executive - Jeff Noel - and Michael Farrington, Verification and Validation Leader for Dryers, Vertical Axis Washers, and Commercial Laundry, to answer technical questions.

107 The Coroner stated that it was a matter of concern that it took too long for Whirlpool to launch a repair/ withdrawal campaign after a fire involving a faulty dishwasher. See: Courts and Tribunals Judiciary, [Coroners Report: Emily Griffin](#), (February 2018).

108 See: OPSS, [Independent investigation finds no further action required on fridge freezer model](#), (15 May 2018).

109 GRENFELL TOWER PUBLIC INQUIRY, [Closing Submissions on behalf of Whirlpool Corporation \("Whirlpool"\)](#), (December 2018).

110 See: Daily Telegraph, [Hotpoint owners claim cigarette could have caused Grenfell Tower fire in 'desperate' bid to avoid blame, inquiry hears](#), (December 2018); The Times, [Grenfell fire may have been caused by cigarette through window, fridge company Whirlpool claims](#), (December 2018).

111 See: BBC News, [Grenfell Tower: What happened](#), (18 June 2018).

112 [Q133 to Q137](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation.

113 [Q135](#), Jeff Noel, Corporate Vice-President, Communications and Public Affairs, Whirlpool Corporation.

114 See [Letter](#) from Whirlpool to BEIS Committee Chair, dated 10 April. This include cooking oils

115 See: Whirlpool, [Response to Regulation 28: Report to Prevent Future Deaths](#), (October 2017). The Coroner concluded that "on the balance of probabilities the fire could be attributed to a problem with the tumble dryer; more specifically an electrical fault associated with the door switch assembly" as he had heard "evidence confirming that the manufacturers of the dryers were aware of a significant number other fires associated with similar appliances and door switch assemblies in which a problem with the door switch had either been identified or nor ruled out as cause of the fire". See: [https://www.judiciary.uk/wp-content/uploads/2017/11/Bernard-Hender-2017-0311\\_Redacted.pdf](https://www.judiciary.uk/wp-content/uploads/2017/11/Bernard-Hender-2017-0311_Redacted.pdf).

often” and noted that safety regulators required Whirlpool to put warnings about it in its use and care instructions.<sup>116</sup> However, though the London Fire Brigade acknowledge that such incidents can happen,<sup>117</sup> they tend to occur in commercial properties.<sup>118</sup>

**35. A number of incidents have made us concerned about Whirlpool’s attitude to product safety. First, its use of NDAs and initial refusal to release a forensic report to a customer whose house was gutted by a fire. Second, its contention that the Grenfell Tower fire might have been caused by a stray cigarette is improbable and questions whether it takes its safety responsibilities seriously. Third, its attempt to deflect blame for fires from the known defects in its machines onto spontaneous combusting tea towels which are more likely to occur in commercial contexts, rather than domestic ones.**

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116 Q132, Michael Farrington, Verification and Validation Leader for Dryers, Vertical Axis Washers and Commercial Laundry, Whirlpool Corporation.

117 See for example: London Fire Brigade, [Self-heating towels cause restaurant fire - Fitzrovia](#), (10 July 2019); London Fire Brigade, [Laundrette fire - Islington](#), (5 April 2019); London Fire Brigade, [Twickenham – self heating towels cause leisure centre fire](#), (25 January 2017); London Fire Brigade. See also: BBC News, [Tea towels ‘spontaneously combust and cause restaurant fire’](#), (February 2018).

118 Conversation with stakeholders.

## Chapter 3: The Office for Product Safety and Standards

36. We previously called for the establishment of a single national product safety agency.<sup>119</sup> On 21 January 2018, five days after the publication of our Report, the Department for Business, Energy and Industrial Strategy, (BEIS) announced the creation of a new body—the Office for Product Safety and Standards (OPSS)—based within BEIS.<sup>120</sup> Below we look at the role of the OPSS, what progress it has made and whether it has delivered the robust and independent product safety organisation that product safety organisations and campaigners called for.<sup>121</sup>

### The Office for Product Safety and Standards

37. OPSS was tasked with identifying consumer risks and managing responses to large-scale product recalls and repairs.<sup>122</sup> More specifically, its product safety remit is to:

- Provide support and advice to local authority Trading Standards (LTS) teams;
- Coordinate work across local authorities where action is needed on a national scale;
- Ensure the UK continues to carry out appropriate border checks on imported products once the UK leaves the European Union;
- Help the UK to meet the evolving challenges of product safety by responding to expanding international trade, the growth in online shopping and the increasing rate of product innovation.

It does not change the roles and responsibilities of local authorities or other market surveillance authorities, and has not addressed the funding issues facing LTS, which we raised in our first Report.<sup>123</sup> The OPSS does not cover vehicles, medicines and medical devices, or workplace equipment, which are covered by other agencies.<sup>124</sup>

38. The OPSS was set up with an initial annual budget of £12 million,<sup>125</sup> and listed its activities as based around analysis, information, enforcement and capacity-building

119 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), p 22.

120 BEIS, [Government launches new Office for Product Safety and Standards](#), (21 January 2018).

121 For example see: Lynn Faulds Wood, [UK Consumer Product Recall: An Independent Review](#), (February 2016), pp 6–9; Which?, [Strengthening the Consumer Product Safety Regime](#), (July 2017);

122 It also has other responsibilities. It is the national regulator for legal metrology, takes the lead for hallmarking, standards and accreditation policy, working with the British Standards Institution (BSI) and the United Kingdom Accreditation Service (UKAS) to provide benchmarks for the manufacture of safe products. It enforces energy efficiency and environmental pollution requirements in product design and performance and due diligence in the trade of designated raw materials. It works with the FCO and DfID in key partner countries to support development of regulatory environments. It works with local regulators to help deliver the Industrial Strategy aims of simplifying local regulation and enabling businesses to succeed, through Primary Authorities. See: OPSS, [Office for Product Safety and Standards: Delivery Report](#), (October 2019), p 9.

123 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 9–10.

124 See: House of Commons Library, [Product safety and recall](#), (July 2019), p 18.

125 BEIS, [Government launches new Office for Product Safety and Standards](#), (21 January 2018).

activities.<sup>126</sup> The OPSS operating budget for 2019/20 is £34.9 million, of which £14.8 million is dedicated to product safety.<sup>127</sup> The overall OPSS headcount is 259 people and is expected to rise to 355 by the end of 2019/20.<sup>128</sup> In August 2018, OPSS published a strategy for 2018/20 and a delivery plan for 2018/19.<sup>129</sup> The Delivery Plan included a number of deliverables for 2018 and 2019, in areas such as testing, digital delivery, science and technical activities, consumer and industry engagement, standards and enforcement. Below we explore what progress OPSS has made in specific areas that we and the witnesses we spoke to have highlighted as important if progress is to be made on product safety for electrical goods.

**39. Though we welcomed the establishment of the OPSS, we note that only £14.9 million of its current £34.9 million operating budget is dedicated to product safety. The introduction of OPSS also did not change the roles and responsibilities of Local Trading Standards (LTS) or other market surveillance authorities. In our previous report, we noted that LTS budgets had been significantly cut and their services in many cases severely diminished. We are therefore concerned that while money has been invested in a national product safety body, as we recommended, this has not been accompanied by additional funding for LTS, who are the eyes and ears of the OPSS. While LTS now have access to OPSS support in areas such as training and research, their funding problems have not been addressed. This questions their ability to carry out surveillance and enforcement activities at a local level and to feedback data and information to the OPSS. We recommend that the Government review the funding of LTS and their current ability to carry out surveillance and enforcement activities at a local level and contribute to data sharing at a national level.**

## Second Hand and Online Electrical Goods

40. Both safety organisations and a number of MPs are deeply concerned about the market in second hand goods, particularly since there is evidence that recalled electrical goods are still being sold on the second hand goods,<sup>130</sup> including recycled goods. In terms of the latter, ESF have found evidence that some local councils who have been recycling second-hand electrical appliances for sale might not have been checking whether such items were recalled.<sup>131</sup> Concerned organisations note that poorer consumers are particularly vulnerable to defective and recalled electrical goods being sold in shops or

126 Analysis activities include the establishment of a Scientific and Technical Advice Unit and an Intelligence Unit to allow the OPSS to analyse safety risk. Information activities include: consumer information campaigns; business compliance; standards and accreditation; stakeholder engagement; improving product recalls. Enforcement covers areas such as: product standards and product safety, supply chain and energy supply; intercepting goods at borders; Primary Authorities; legal metrology. Capacity building includes: capability and coordination; policy and regulatory framework; product testing capability; incident management; digital services; collaboration and networks. See: OPSS, [Office for Product Safety and Standards: Delivery Report](#), (October 2019), pp 9 to 34.

127 OPSS, [Office for Product Safety and Standards: Delivery Report](#), (October 2019), p 37.

128 As above.

129 OPSS, strengthening national capacity for product safety: Strategy 2018–2020, (accessed 10 October 2019).

130 See for example: London Fire Brigade, [Greater regulation over the sale of second-hand appliances It is difficult to identify whether a product has been recalled](#), (accessed 1 October 2019). The LFB found evidence that recalled goods were being sold in high street shops. See also: Electrical Safety First, [Hot bargains, killer deals – the problems with second hand electrical goods](#), (December 2018); Chartered Trading Standards Institute, [Faulty second-hand electrical goods could cost lives, warns CTSI](#), (10 April 2018); HC Hansard, [Electrical Products: Online Sales](#), (9 July 2019; cols 60–67WH).

131 Electrical Safety First used a FOI request to ascertain what tests local councils were using if they were recycling second-hand electrical goods. A majority of those who replied to the FOI request carried out safety tests (e.g. PAT tests) but not all appeared to check whether goods were subject to a recall. Discussion with stakeholder.

online.<sup>132</sup> This is an issue that OPSS recognises needs to be addressed. It was mentioned in their 2018/2020 Strategy as an “early priority”,<sup>133</sup> and was also highlighted in their recent Delivery Report, published in October 2019.<sup>134</sup> However, it appears that the main action so far has been to start a project to map out the extent of the problem,<sup>135</sup> and liaise with retailers and Primary Authorities.<sup>136</sup>

41. We were told that recalled Whirlpool tumble dryers are being sold online,<sup>137</sup> an issue that Carolyn Harris MP, Chair of the All Party Parliamentary Group on Home Electrical Safety, has raised.<sup>138</sup> Which?, Electrical Safety First (ESF) and London Fire Brigade (LFB) sent a joint letter on 12 July asking the Minister to review and take action on this issue.<sup>139</sup> In her reply to the safety organisations, the Minister stated that OPSS was carrying out a project on second-hand electrical goods and that she had written to eBay, Amazon, AliBaba, Gumtree and Facebook to remind them of their responsibilities and to share with her the measures that they are taking in their businesses to ensure compliance.<sup>140</sup> The Minister and OPSS reiterated to us that they were reminding online sellers and marketeers of their responsibilities and said that they were also working with charities and local councils who sell second-hand goods to “understand how processes and procedures work”.<sup>141</sup>

**42. Despite the OPSS operating for 20 months and identifying second hand goods as a priority in its strategy, we are disappointed at the lack of progress. So far, this seems to be limited to a scoping project, dialogue with online sellers and reminding them of their responsibilities. This seems reactive and an approach that was exposed as inadequate when recalled second hand Whirlpool tumble dryers started appearing online for sale. We recommend that OPSS work with online marketplace platforms to produce software and protocols which require sellers to provide information that can identify whether an item is recalled as a prerequisite to uploading for sale. The Government should also consider what sanctions might be needed for online platforms who do not adequately**

132 As above.

133 OPSS, [Strengthening national capacity for product safety 2018–2020 strategy](#), (August 2018), p 7, p 19, p 23 and p 27.

134 OPSS, [Office for Product Safety and Standards Delivery Report](#), (October 2019), p 6.

135 Discussions with stakeholders. See also: OPSS, [Office for Product Safety and Standards Delivery Report](#), (October 2019), p 15. It states that it has commenced research with Electrical Safety First to gather evidence of how and where electrical products are being sold in traditional second-hand markets (e.g. charity shops, car boot sales) as well as online. Such information will be “used to provide advice to consumers and to sellers of goods about their responsibilities when selling or buying second-hand electrical goods and to establish priorities for future activity”.

136 OPSS, [Office for Product Safety and Standards Delivery Report](#), (October 2019), p 6.

137 Q2, Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade. Discussions with stakeholders. Which? have also raised this issue with the Committee. See: [Letter](#) from Which? to BEIS Committee Chair, dated 17 July 2019. See also: Electrical Safety First, [Recalled whirlpool tumble dryers for sale via online marketplaces](#), (12 July 2019); BBC News, [Warning over Whirlpool danger dryers being sold online](#), (12 July 2019).

138 See for example: HC Hansard, [Electrical Products: Online Sales](#), (9 July 2019; col 60WH). See also: APPG on Home Electrical Safety, [Electrical Products –Setting a Course for Safety](#), (July 2018), p 3.

139 London Fire Brigade, Electrical Safety First and Which?, [Whirlpool Tumble Dryer Recall – Second hand goods sales](#), (12 July).

140 Ebay, for instance, noted that it had responded to recalled tumble dryers being sold on its website by: removing listings supplied by ESF; carrying out manual sweeps for additional products subject to the recall; educating sellers according to information supplied by UK authorities; testing a filter to block out listings of affected models. It pledged that in future it would: react with two days to authorities’ notices; provide a clear way for customers to notify eBay over listed dangerous items; work with and use the EU Rapid Alert System regarding dangerous products. See letter from Ebay to Minister, dated 16 July 2019.

141 [Q221 to Q223](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy; Graham Russell MBE, CEO, Office for Product Safety and Standards.

*police the second-hand goods being sold on their websites. We also recommend that the Government reviews and reports on how second-hand goods sales on the high street are being monitored and what action is being taken when recalled goods are found to be being sold. This should include the recycled goods market, and the role of local councils and others who sell, or who are intermediaries, for such goods.*

43. Safety organisation are also concerned about the sale of new online electrical goods that do not meet safety standards.<sup>142</sup> For example, in June 2018, ESF found evidence of dangerous electrical goods for sale across a selection of e-commerce sites, including Amazon, Amazon Marketplace, eBay and Fruugo.<sup>143</sup> More recently in September 2019, ITV's This Morning found thousands of cheap and dangerous phone chargers, travel adaptors and other home electricals being sold through online retailers including Amazon and eBay,<sup>144</sup> while Which? found that nearly three quarters of the cheap electrical devices it bought online and tested were unsafe.<sup>145</sup> Carolyn Harris MP, Chair of the APPG on Home Electrical Safety, has also raised the issue of the safety and regulation of online electrical goods, drawing attention to what she has described as the “wild west of electrical goods sales”.<sup>146</sup>

44. The OPSS Delivery Report, published in October 2019, noted that:

We are setting up an online product safety enforcement team, providing the skills and tools needed to investigate the online product marketplace robustly. In June 2018, major online marketplaces such as Amazon and eBay signed up to the European Product Safety Pledge, committing to removing unsafe products from their websites quickly. We have developed relationships with Amazon and eBay and their primary authorities to better understand their approaches to removing unsafe products from their sites and continue to explore innovative ways to improve product safety checks. We have worked with local trading standards to have non-compliant products withdrawn and corrective action taken by the business.<sup>147</sup>

45. Both the Minister and Graham Russell reiterated that they were working with online market platforms and reminding them of their responsibilities relating to the safety of the electrical goods they were selling. They also noted that OPSS was working to improve training for Local Trading Standards (LTS) staff to check and remove dangerous electrical goods, whether online or on the high street.<sup>148</sup> However, as the APPG on Home Electrical

142 See: Guardian, [Dangerous fake electric goods sold on Amazon and eBay, research says](#), (June 2018); The Sun, [FIRE RISK WARNING Amazon and eBay accused of selling fake and potentially dangerous electrical goods](#), (6 June 2018); Chartered Trading Standards Institute, [Warning over fake chargers and second-hand electrics](#), (2 December 2016); BBC Watchdog, [Chargers](#), (November 2018); Citizens Advice, [The big shock behind cheap electrical good](#), (2 December 2016).

143 Electrical Safety First, [18 Million Brits Fall Victim To Counterfeit Electrical Goods Online](#), (June 2018).

144 See: This Morning, [Beware of online electrical bargains](#), (3 September 2019).

145 Which?, [Killer chargers, travel adaptors and power banks rife on online marketplaces](#), (3 September 2019). Which? tested 35 devices and found that nearly 75% were dangerous.

146 See: HC Hansard, [Electrical Products: Online Sales](#), (9 July 2019; cols 60 to 67WH). The APPG published [The Sale of Electrical Products Online](#) which found that there was “little effective oversight or transparency” of online electrical goods and though there was enforcement agencies with sufficient powers, such agencies lacked funding and resources.

147 OPSS, [Office for Product Safety and Standards: Delivery Report](#), (October 2019), p 25.

148 [Q221 to Q223](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy and Graham Russell MBE, CEO, Office for Product Safety and Standards.

Safety,<sup>149</sup> and others,<sup>150</sup> including our Committee,<sup>151</sup> have warned, LTS are under-resourced, which reduces their ability to provide surveillance of online and non-online sales of electrical goods. The Minister noted that the funding of LTS was “unfortunately ... down to local priorities”, though she noted they could draw on support from OPSS and National Trading Standards.<sup>152</sup>

**46. The OPSS and the Minister have told us that they are prioritising the sale of online electrical goods and are liaising with online market place platforms to remind them of their responsibility to ensure such goods are safe. We welcome this. However, there still appear to be too many cases of dangerous goods being found on such platforms. As recently as September 2019, Which? found that nearly three quarters of the online electrical goods it tested were dangerous. As with second hand online goods the current approach appears to be reactive with action taken after goods have been placed online and when a problem arises. We are also concerned as to what role LTS, despite increased training and support from OPSS, can play in stopping the sale of unsafe electrical goods, because of the cuts they have faced. *We recommend that OPSS works with online market place platforms to develop a more proactive approach that ensures that electrical goods are not placed for sale online until their safety has been established. We also recommend that the Government publishes details of what role LTS are playing in policing electrical goods and what funding and resources they have to carry out this role.***

## Plastic-backed Fridges

47. In our first report we identified plastic-backed fridges as another key issue,<sup>153</sup> noting the concerns of safety organisations,<sup>154</sup> and the number of fires caused by such appliances.<sup>155</sup> A Hotpoint plastic-backed fridge was identified as the source of the fire at Grenfell. We also noted that metal backed fridges or freezers that shielded electrical components from highly flammable foam insulation, as is the case in the US, where standards are higher, led

149 APPG on Home Electrical Safety, [The Sale of Electrical Products Online](#), (accessed 1 October 2019).

150 See: Chartered Trading Standards Institute, [CTSI calls on Government to support local authority trading standards](#), (February 2019). CTSI noted that there has been a 50% fall in spending over the last seven years on local Trading Standards (LTS) and that 43% of LTS services have reported they cannot effectively deal with consumer detriment in their area. See also: Local Government Association, [LGA responds to Which? report on consumer rights enforcement](#), (February 2019). The funding of LTS continues to be debated in both Houses: HL Hansard, [Consumer Rights Act 2015 \(Enforcement\) \(Amendment\) Order 2019](#), (25 June, cols 1055 to 1063); HC Hansard, [Consumer Protection](#), (11 June 2019, cols 574 to 583).

151 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 9 to 10. We pointed to the findings of the NAO in 2016 that reduced funding of LTS was resulting in fragmentation and an inability to support national issues. Several witnesses, including CTSI, Electrical Safety First and Electrical Safety First, all highlighted the funding problems LTS were facing.

152 [Q235](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

153 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 20–21.

154 See for example: Which?, [Fridge freezer safety](#), (July 2019); BBC News, [Get danger fridges out of stores, says Which?](#), (July 2019); Which?, [Hundreds of potentially unsafe fridges and freezers still on sale](#), (February 2019); Leigh Day, [Solicitor joins call for plastic-backed fridges and freezers to be removed from all retailers](#), (July 2019); London Fire Brigade, [Change the way fridges and freezers are constructed](#), (accessed 1 October 2019); Cooling Post, [Fridge safety standards must change](#), (June 2017).

155 Electrical Safety First for instance found that in 2015/16 there were 214 fires involving such appliances which resulted in 27 serious injuries. See: ESF, [Electrical Safety First Core Data Set - England](#), (accessed October 2017).

to fewer fires and injuries.<sup>156</sup> In our previous report, we found that one of the reasons why it was taking so long for plastic-backed fridges to be removed from circulation was because of the process required to change standards.<sup>157</sup> Witnesses told us that they hoped that a new national product safety agency would take the lead to ensure that such standards were changed.<sup>158</sup>

48. OPSS have worked with international and European standards making bodies on improvements to the standard for fridge freezers, and on 11 July 2019 the standard was revised.<sup>159</sup> The revised standard toughened the tests for the backing of fridge freezers<sup>160</sup> which was seen as a ban on the future manufacture of plastic-backed fridges.<sup>161</sup> However, the new standard did not ban plastic-backed fridges already in the supply chain or set an end date for the sale of such products.<sup>162</sup> Both the Minister and Graham Russell offered an unclear and confusing overview of how the new standard would operate. Both confirmed that the new standard did not change the law and that there was no obligation to use the standard, though there was a general obligation to ensure that fridge freezers were safe and could pass the tests in the new standard.<sup>163</sup>

**49. The Government should be applauded for introducing new tougher tests for the backing on fridge freezers and for working with international safety bodies to bring about change. However, the OPSS and the Minister need to clarify exactly what the new standard seeks to achieve and what it intends to do about the plastic-backed fridges already in the supply chain and those being sold second hand, both online and in high street shops. We recommend that OPSS and the Government make a clearer statement about plastic-backed fridges, indicating that they should no longer be manufactured, and setting out a grace period for the removal of such machines from supply chains and second-hand markets.**

## A Central Hub for Product Registration and Product Recalls

50. In our first Report, we called for a single portal where consumers could register their products and find information on recalled products.<sup>164</sup> We were disappointed to find that little progress had been made on this. Witnesses told us that the need for such a portal was underlined by continuing difficulties in locating unmodified defective Whirlpool tumble

156 London Fire Brigade, [New report calls for safer fridge freezers](#), (January 2013). The LFB noted that in the US, because of the higher standard used in fridge freezers, there was on average one injury for every 25 fires, while the figure in the UK was one injury in every 5 fires. This was because the metal backing meant that if there was a fire, it took longer to take hold giving people longer to exit.

157 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 20. This was the view of Which?, the London Fire Brigade and the Chartered Trading Standards Institute.

158 As above, p 21.

159 OPSS, [Office for Product Safety and Standards Delivery Report](#), (October 2019), p 20.

160 The new stricter standards require a fridge, freezer or fridge freezer to withstand a naked flame for 30 seconds and prevent flames reaching the flammable insulation as a result.

161 See: Which?, [Fridge safety](#), (accessed 5 October 2019); Independent, [Flammable fridges still on sale in UK despite safety fears](#), (11 July 2019).

162 Discussions with BEIS and OPSS.

163 See: [Q215 to Q219](#), Graham Russell MBE, CEO, Office for Product Safety and Standards; Letter from Minister to BEIS Committee Chair, dated 17 September 2019.

164 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 22–23.

dryers.<sup>165</sup> Sue Davies, Strategic Policy Adviser, Which?, told us that the Government’s recall website was confusing with “lots of links to different sites and that what was needed was “one single database that is a one-stop shop for consumers, who can easily and quickly see if any of the products they have in their house have had a safety recall”.<sup>166</sup> Lynn Faulds Wood, author of UK consumer product recall: An independent review, argued that a government-backed product recall database that didn’t involve marketing and that drew on product registration at point of sale, would have helped track down Whirlpool’s defective tumble dryers, and should be introduced as soon as possible.<sup>167</sup>

51. The OPSS acknowledged the importance of product registration and information on product recalls in its Strategy, published in August 2018.<sup>168</sup> It indicated that it would carry out improvements to the current product recall website and introduce a “central hub to enable consumers to access reliable information about recalled products and receive alerts of registered products”, which would be delivered by November 2019.<sup>169</sup> The current product recall website is not comprehensive or searchable and is difficult to navigate.<sup>170</sup> In terms of product registration, consumers are still directed to Register My Application,<sup>171</sup> which is run by AMDEA, which has been criticised as being incomplete and used for marketing purposes,<sup>172</sup> which deters customers from engaging.<sup>173</sup> OPSS note that less than a third of consumers have registered their large electrical goods with AMDEA.<sup>174</sup>

**52. The fact that there are up to 800,000 defective and potentially dangerous tumble dryers in people’s homes has highlighted the need for a central and joined-up portal for consumers to both register their products and access information about recalls. We are disappointed that despite recommending such a portal in January 2018, consumers can still not access such a resource. We acknowledge that OPSS has stated that they will deliver such a portal in November 2019. We recommend that OPSS confirm that they are still on track to deliver the updated central registration and recall hub and if not when it will be operational. We recommend that such a portal should be based on product registration at point of sale and should be free from marketing.**

165 Q3, Sue Davies, Strategic Policy Adviser, Which?; Q3, Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade; Q4, Martyn Allen, Technical Director, Electrical Safety First; Q161, Lynn Faulds Wood, author of UK consumer product recall: An independent review. See Also: Electrical Safety First, [268 Million Potentially Dangerous Unregistered Electrical Products In Homes Up And Down The Country](#), (13 February 2019).

166 Q13, Sue Davies, Strategic Policy Adviser, Which?. See also Q14 and Q15, Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade and Q15, Martyn Allen, Technical Director, Electrical Safety First. Both noted that their organisations had called for a central database. See also: Electrical Safety First, [Response To BEIS Select Committee Hearing Into The Effectiveness Of Whirlpool’s Tumble Dryer Recall](#), (2 July 2019).

167 Q161 to Q164, Lynn Faulds Wood, author of UK consumer product recall: An independent review.

168 OPSS, [Strengthening national capacity for product safety: 2018–2020 strategy](#), (August 2018), pp 18–19.

169 OPSS, [Strengthening national capacity for product safety: Delivery Plan 2018–19](#), (August 2018), pp 5–6.

170 See: <https://productrecall.campaign.gov.uk/>. The website only lists the most recent recalls (back to January 2018) and provides links to other websites.

171 See: <https://www.registermyappliance.org.uk/>.

172 See for example: Q163, Lynn Faulds Wood, author of UK consumer product recall: An independent review; BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), p 23.

173 See: Q163, Lynn Faulds Wood, author of UK consumer product recall: An independent review; Electrical Safety First, [Consumer Voices on Product Recall](#), (2014), p 4.

174 OPSS, [New research to encourage more shoppers to register their household appliances](#), (January 2019).

## Indelible Marking of Electrical Products

53. The LFB has long campaigned for the indelible marking of electrical products so that they can be identified after a fire, so trends can be tracked.<sup>175</sup> We agreed with the LFB in our previous report.<sup>176</sup> OPSS made indelible marking a key priority in its 2018–2020 Strategy.<sup>177</sup> In October 2019, OPSS published a Strategic Research Programme Update. It noted that after scoping out different options for materials and markings that can survive high temperatures, OPSS was now beginning work with industry and other key stakeholders to explore options that are practical and cost-effective.<sup>178</sup> Both the LFB, ESF and Lynn Faulds Wood told us that they were disappointed that more progress had not been made and that a low cost and relatively simple solution, as used for marking a car chassis, could be built into production processes.<sup>179</sup>

**54. We share the frustration of safety organisations that more progress has not been made on indelible marking of electrical goods. A simple low-tech and low-cost solution is already used for marking vehicles and we are concerned that scoping and consultation is delaying the introduction of such a solution. If we cannot easily identify electrical goods after a fire, we cannot easily discern which electrical goods are dangerous. This is a serious weakness in our product safety system and needs addressing as soon as possible. We recommend that the Government urgently indicate when a viable system of indelible marking will be introduced and the reasons for delay.**

## A National Incident and Injury Database

55. During our first inquiry, several witnesses argued that the product safety system in the UK was hampered by the absence of a comprehensive national database tracking injuries and incidents, including fires, that were caused by electrical and other goods.<sup>180</sup> Lynn Faulds Wood recommended the creation of such a national database, in her Independent Review on Product Recalls.<sup>181</sup>

56. The OPSS Strategy 2018–2020, noted that access to injury datasets had been identified as an “acute problem within the product safety landscape”.<sup>182</sup> It stated that it would work with the Royal Society for the Prevention of Accidents (ROSPA) and the College of Medicine to explore the collection of accident data by Accident and Emergency departments and the NHS to facilitate better information of injury types and product hazards. It also stated that the OPSS Intelligence Unit would seek to continue to work with

175 London Fire Brigade, [Model and serial number identification Mark all appliances with model and serial number so they can be identified after a fire](#), (accessed 5 October 2019).

176 BEIS Committee, [The Safety of Electrical Goods in the UK](#), (HC 503; 16 January 2018), pp 21.

177 OPSS, [Strengthening national capacity for product safety 2018–2020 strategy](#), (August 2018), p 23.

178 OPSS, Strategic Research Programme Update, (October 2019).

179 [Q60 to Q63](#), Martyn Allen, Technical Director, Electrical Safety First; Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade; [Q160](#), Lynn Faulds Wood, author of UK consumer product recall: An independent review.

180 See: [Q6 to Q8](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade; [Q9 to Q10](#), Peter Moorey, Head of Campaigns, Which?.

181 Lynn Faulds Wood, [UK Consumer Product Recall: An Independent Review](#), (February 2016), pp 6–9. Jim Fitzpatrick MP has also called for such a database. See: HC Hansard, [Office for Product Safety and Standards](#), (9 May 2018, col 300WH). It has also been called for by the All-Party Group on Home Electrical Safety, chaired by Carolyn Harris MP. See: APPG on Home Electrical Safety, [Electrical Products –Setting a Course for Safety](#), (July 2018), p 3.

182 OPSS, [Strengthening national capacity for product safety 2018–2020 strategy](#), (August 2018), p 22. It was also noted as deliverable in its [Capacity Delivery Plan 2018–19](#), (August 2019).

other intelligence and statistical teams to “draw together a stronger picture on product risk, with the ambition of drawing on data from the Fire Service, the European injury database, and RAPEX, as well as other Market Surveillance Authorities (MSAs) such as the Health and Safety Executive and the Medicines and Healthcare Regulatory Agency”.<sup>183</sup>

57. Lynn Faulds Wood told us that she was disappointed that her recommendation had not been implemented, and noted that a Government injury database in Sweden, which worked with insurance companies, was able to track trends and allow product safety improvements.<sup>184</sup> Consumer safety organisations are also disappointed that a comprehensive national injury database is still not up and running.<sup>185</sup>

**58. It is disappointing that the UK still does not have an operational comprehensive injury and incident database. Along with indelible marking, such a database is crucial to tracking trends, identifying dangerous goods and enabling fire safety organisations and others to prepare mitigations. We accept that OPSS has prioritised such a database and is working with various stakeholders to identify sources of data and information. However, we note that OPSS has not identified insurance companies, who process claims after incidents involving electrical goods, as a potential source of information. We recommend that OPSS updates us on when a national incident and injury database will be fully operational and accessible. We also recommend that OPSS approach insurance companies with a view to accessing data and information on incidents involving electrical goods.**

## OPSS: Independent and Robust?

59. Several witnesses questioned the independence of the OPSS and its ability to hold manufacturers to account. Lynn Faulds Wood contended that the OPSS was not what she had called for in her report because it was not independent, as was the case for product safety bodies in Australia and the United States.<sup>186</sup> She pointed to the UK’s Food Standards Agency (FSA), as an example of a transparent and arms-length body, on which she believed OPSS should have been modelled.<sup>187</sup> She was also suspicious and critical of the manner in which the OPSS was set up:

There was something called the Better Regulation Delivery Office, and I thought that it was a huge surprise that the name of this business-facing part of Government was to be changed, over the weekend, to the Office for Product Safety and Standards. I felt that was not the way Government

183 As above.

184 [Q158 to Q160](#), Lynn Faulds Wood, author of UK consumer product recall: An independent review.

185 Discussions with stakeholders.

186 [Q155 to Q156](#), Lynn Faulds Wood, author of UK consumer product recall: An independent review. The [Australian Competition and Consumer Commission \(ACCC\)](#) is an independent Commonwealth statutory authority responsible for enforcing the Competition and Consumer Act 2010 (CCA) and other legislation to promote competition and consumer protection. The [U.S. Consumer Product Safety Commission \(CPSC\)](#) is an independent Federal regulatory agency charged with reducing unreasonable risks of injury and death associated with consumer products.

187 [Q156 to Q157](#), Lynn Faulds Wood, author of UK consumer product recall: An independent review. The [Food Standards Agency \(FSA\)](#), is an independent Government department working across England, Wales and Northern Ireland to protect public health and consumers’ wider interests in food. In terms of transparency, the FSA [publishes](#) minutes of senior-level meetings, including Board meetings, and reports and papers provided for consideration by the Board. It also televises its board meetings - for instance see the most recent board meeting (September 2019) [here](#). She made this point in her report - Lynn Faulds Wood, [UK Consumer Product Recall: An Independent Review](#), (February 2016).

should be doing open and transparent business.<sup>188</sup>

60. Which? have been particularly critical of OPSS. They have also called for OPSS to be reset as an independent body at arms-length from Government,<sup>189</sup> and for it to be more transparent.<sup>190</sup> They too noted that OPSS had been formed from the BEIS Better Delivery Directorate, and argued that the latter's strong focus on reducing burdens on business had affected OPSS's ability to put consumers first.<sup>191</sup> They pointed to OPSS's handling of Whirlpool's tumble dryers, especially its "completely flawed" review of the modification programme, as exemplifying why it needed to be placed on an independent basis:

As this was the first real test of the Office for Product Safety and Standards—it was pretty much set up because of all the failures with the handling of the Whirlpool issues—we wanted it to be showing that it would be a really robust regulator, both in terms of its approach to assessing the evidence but also in terms of its independence and transparency, and to show that it will actually apply the precautionary principle and put consumer interests first. For all those reasons, we think it was a flawed review, and we think we need to have a more independent arm's-length regulator.<sup>192</sup>

61. The LFB also argued that while it shared its data, lab reports, findings and research it got little back and questioned why the OPSS, as the regulator, was not sharing more data to help it prevent incidents happening in the future.<sup>193</sup> ESF thought that OPSS should have put "loads more pressure on Whirlpool" during the review.<sup>194</sup>

62. The Minister and OPSS maintained that it had not refused any requests from the LFB to share data and stated that OPSS would meet with the LFB to discuss its concerns.<sup>195</sup> The Minister said that her ambition was probably to move the OPSS to an independent footing on the lines of the FSA.<sup>196</sup> She added that there would be a review and a consultation on how the OPSS could work better, including whether it should become an arm's length body.<sup>197</sup> We understand that OPSS and BEIS are already consulting key stakeholders and have employed a consultancy firm to help do this.<sup>198</sup>

188 [Q157](#), Lynn Faulds Wood, author of UK consumer product recall: An independent review.

189 Which?, [Which? calls for product safety shake-up to tackle flood of dangerous products](#), (April 2019). They have also pointed to independent product safety bodies in the US and Canada. They envisaged an independent central body that was: independent from those it regulated; consumer-centred; transparent; pro-active; a centre of expertise on product safety; able to identify potential trends, gather intelligence and co-operate with international partners; able to directly communicate and engage with consumers to ensure they are aware of safety issues. See: Which?, [Strengthening the consumer product safety regime](#), (July 2017), p 26. They also argue that an independent product safety regulator will be even more crucial when the UK leaves the EU as the UK navigates a potentially more complex and diverse trading environment.

190 Which?, [The Office for Product Safety and Standards Inquiry into Whirlpool's Tumble Dryer Corrective Action Programme](#), (June 2019).

191 [Q45](#), Sue Davies, Strategic Policy Adviser, Which?. Which? note that OPSS is bound by the Government's better regulation responsibilities, including the Growth Duty, which requires regulators to minimise burdens on business, This Which? argues leads to a conflict of interest between business interests and consumer protection.

192 [Q44](#), Sue Davies, Strategic Policy Adviser, Which?.

193 [Q51 to Q53](#), Charlie Pugsley, Deputy Assistant Commissioner, London Fire Brigade.

194 [Q46](#), Martyn Allen, Technical Director, Electrical Safety First.

195 See: [Q191 to Q195](#), Graham Russell MBE, CEO, Office for Product Safety and Standards; Letter from Minister to BEIS Committee Chair, dated 17 September 2019.

196 [Q234](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy

197 As above and Letter from Minister to Chair of BEIS Committee, dated 17 September 2019.

198 Discussions with stakeholders. We understand that BEIS have employed Kantar Consultancy to approach stakeholders and that BEIS are holding several roundtable discussions.

63. **The OPSS will have been in existence for two years in January 2020. We welcome the Minister’s commitment to review and consult on its future. The fact that it took until July 2019 to enforce a recall on Whirlpool and 9 months to produce an unconvincing review and an incomplete risk assessment of its modification raises serious questions about its current ability to regulate manufacturers and provide leadership. Its lack of transparency, compared to the Food Standards Agency, and questions over its data-sharing are also a cause for concern.**

64. **Its response to dangerous second hand and online electrical goods appears reactive and not what we would have expected from an independent and robust regulator.**

65. **It has not yet delivered a national injury database, a comprehensive registration and recall hub, or indelible marking for electrical goods. Their absence leaves a hole in the UK’s product safety system and questions the ability of OPSS to move beyond scoping and consultation to enact meaningful changes. We look forward to the Government’s review and consultation on the OPSS. As the Minister has promised, this should seriously consider making it an independent and fully transparent body, placing the consumer at the heart of its decision making.**

66. Consumer safety organisations have also questioned what powers and sanctions the OPSS has.<sup>199</sup> OPSS notes that its approach to product safety and standards is “to support and encourage those we regulate in their efforts towards compliance whilst also taking proportionate action in response to non-compliance”.<sup>200</sup> Its Enforcement Policy notes that its civil sanctions, where it can apply penalties without recourse to criminal courts for non-compliance, is restricted to environmental cases.<sup>201</sup> So far enforcement actions have been exclusively focused on environmental non-compliance.<sup>202</sup> In contrast, the FSA frequently applies sanctions for non-compliance.<sup>203</sup> The Minister accepted that OPSS could only fine for product safety non-compliance through the courts and stated that “fining does not protect consumers”.<sup>204</sup> She also maintained that the ability to fine would not have speeded up the modification of Whirlpool’s unmodified and defective tumble dryers.<sup>205</sup> However, in a subsequent letter, the Minister told us that the review and consultation on the future of the OPSS would consider a wider range of civil and criminal sanctions.<sup>206</sup>

67. **The inability of the OPSS to use civil sanctions for non-compliance with product safety standards threatens to make it a toothless regulator. Though we agree that OPSS should see part of its role as promoting best practice and supporting manufacturers, retailers and online platforms, it should also have the independence and confidence**

199 Discussions with stakeholders.

200 OPSS and BEIS, [Enforcement Policy](#), (May 2018), p 2.

201 As above, p 13. These include non-compliance with: Energy Information Regulations 2011; Eco-design for Energy Related Products Regulations 2010; Nagoya Protocol (Compliance) Regulations 2015; Heat Network (Metering and Billing) Regulations 2014; Alternative Fuels Infrastructure Regulations 2017. BEIS note that there have been no changes to OPSS sanctions (fines and penalties) since May 2018. See: BEIS, [BUSINESS IMPACT TARGET: SUMMARY TEMPLATE Non-qualifying Regulatory Provisions \(NQR\) summary reporting template](#), (2019).

202 See: BEIS and OPSS, [Safety & Standards enforcement: statutory enforcement actions 1 April 2018 to 30 September 2018](#), (October 2018); BEIS and OPSS, [Safety & Standards enforcement: statutory enforcement actions 1 October 2018 to 31 March 2019](#), (April 2019). Most of the cases related to imports of timber.

203 For examples of the fines that the FSA set, see: FSA, [Enforcement](#), (accessed 30 September 2019).

204 [Q230](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

205 [Q233](#), Kelly Tolhurst MP, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy.

206 Letter from Minister to Chair of BEIS Committee, dated 17 September 2019.

**to sanction poor behaviour and non-compliance. Such sanctions would also act as an importance deterrent for non-compliance and give the OPSS more authority in dealing with manufacturers. We therefore welcome the Minister's commitment to consider widening the range of civil and criminal sanctions available to the OPSS and look forward to seeing proposals in the near future.**

## Conclusions and recommendations

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### Whirlpool tumble dryers

1. We find it astonishing that 18 months after we published our first report on the safety of electrical products there are still up to 800,000 defective and dangerous machines in people's homes. It is equally surprising that the Office for Product Safety and Standards did not question the basis of Whirlpool's estimates which were substantially less. This raises questions about OPSS's independence, competence and its ability to challenge a company whose attitude to product safety had already been subject to heavy criticism. (Paragraph 10)
2. Whirlpool's modification programme started in November 2015. It is very disappointing that it took up until July 2019 for Whirlpool to publish a full list of defective tumble dryers as requested by safety organisations and MPs. We are particularly concerned that OPSS and the Minister did not intervene to compel Whirlpool to provide this information. This is further evidence of the inability of OPSS to provide proper challenge to companies on product safety matters. (Paragraph 12)
3. We welcome the Government's decision to compel Whirlpool to recall up to 800,000 of its defective and potentially dangerous tumble dryers. However, it took far too long to make this decision, which has transformed the situation. Now the recall is in place, 53,889 machines have been made safe or replaced in four months; before the recall, it took 20 months to make 45,000 machines safe. *We recommend that the Government reviews and reports on how Trading Standards and OPSS dealt with Whirlpool and set out what lessons can be learnt for dealing with future product safety issues, especially in terms of product recalls for large and mass purchased white goods. We also recommend that OPSS and the Minister keep the pressure up on Whirlpool and continue to publish regular updates on progress.* (Paragraph 15)
4. The OPSS review of Whirlpool's modification, which took nearly a year to complete, resulted in what can only be described as a flimsy report and risk assessment. The OPSS did not speak to consumers, was overly accepting of Whirlpool data, was unable to acquire traceable modified machines to test and concluded that the risk was low despite the London Fire Brigade identifying fires caused by modified machines. The paucity of published information makes it difficult to understand how OPSS had used the EU's RAPEX risk assessment methodology to reach its conclusions. It appears that this might have been because of commercial confidentiality concerns, which is deeply troubling, and we are not reassured by the OPSS's explanation of how it decides what to release and withhold. We welcome OPSS's overdue decision to meet with the London Fire Brigade to discuss how risk assessments can be shared in future. *We recommend that OPSS reviews the criteria it uses when deciding what data and information it withholds because of commercial confidentiality concerns and considers whether changes are required if current legislation inhibits data sharing to improve product safety. We also recommend that OPSS confirms what data sharing protocols it has agreed with the London Fire Brigade and other relevant product safety organisations.* (Paragraph 20)

5. It was extraordinary that, given the concerns expressed by safety organisations about the modification and other problems with the machines, OPSS did not speak to customers as part of its Review. We have supplied OPSS with fresh data and evidence that they did not consider in the original review. *We recommend that OPSS and BEIS conduct a new review of the safety of Whirlpool's modification and investigate other possible sources of fires in Whirlpool's tumble dryers and publish a full and comprehensive risk assessment. This should include an explanation of how RAPEX methodology has been used and customer testimonies assessed. The review should include a clear explanation of what risk means, in terms of the number of modified machines that might catch fire or malfunction.* (Paragraph 23)
6. It is disgraceful that Whirlpool made customers who had been victims of fires involving its products sign NDAs in order to receive compensation to which they were entitled. Its treatment of Jemma Spurr was lamentable, though we welcome their subsequent apology. While Whirlpool maintain that such NDAs were not intended to prevent customers sharing information with regulators and safety organisations, this is clearly contradicted by the wording in the NDA Jemma Spurr was made to sign. It also ignores the chilling affect such legal devices have, because customers often sign such NDAs without legal advice. Whirlpool told us that they are currently reviewing their use of NDAs. *We recommend that Whirlpool should stop using them with customers altogether.* (Paragraph 29)
7. We are deeply concerned that NDAs and confidentiality clauses may be widely used. Though they are defended as protecting the interests of all parties, they should never be used to prevent consumers sharing product safety information with regulators and safety organisations. We do not know if Whirlpool's use of NDAs is typical. If it is, the implications are profound. The practice is dangerous (as regulators will be unaware of safety problems) and risks destroying consumer trust. We welcome the fact that the Minister and OPSS have confirmed that they are addressing this issue and will shortly bring forward guidance. (Paragraph 30)
8. It is unacceptable that a customer who has been through a distressing incident, such as a house fire, should not be told how that incident occurred. We welcome the Minister's intervention to obtain this information. However, there is a broader issue here. Consumers need to be confident that when they buy goods that there is transparency and trust between themselves and manufacturers, especially if those goods malfunction and cause injuries or major damage to homes. It is also imperative that fire safety organisations see such reports if they are to plan responses and input into product safety improvements. *We recommend that the Government reviews what rights consumers have when they request information from a manufacturer if a product malfunctions and how much information is shared with safety organisations, such as the Fire Service.* (Paragraph 32)
9. A number of incidents have made us concerned about Whirlpool's attitude to product safety. First, its use of NDAs and initial refusal to release a forensic report to a customer whose house was gutted by a fire. Second, its contention that the Grenfell Tower fire might have been caused by a stray cigarette is improbable and questions whether it takes its safety responsibilities seriously. Third, its attempt to

deflect blame for fires from the known defects in its machines onto spontaneous combusting tea towels which are more likely to occur in commercial contexts, rather than domestic ones. (Paragraph 34)

### The Office for Product Safety and Standards

10. Though we welcomed the establishment of the OPSS, we note that only £14.9 million of its current £34.9 million operating budget is dedicated to product safety. The introduction of OPSS also did not change the roles and responsibilities of Local Trading Standards (LTS) or other market surveillance authorities. In our previous report, we noted that LTS budgets had been significantly cut and their services in many cases severely diminished. We are therefore concerned that while money has been invested in a national product safety body, as we recommended, this has not been accompanied by additional funding for LTS, who are the eyes and ears of the OPSS. While LTS now have access to OPSS support in areas such as training and research, their funding problems have not been addressed. This questions their ability to carry out surveillance and enforcement activities at a local level and to feedback data and information to the OPSS. *We recommend that the Government review the funding of LTS and their current ability to carry out surveillance and enforcement activities at a local level and contribute to data sharing at a national level.* (Paragraph 38)
11. Despite the OPSS operating for 20 months and identifying second hand goods as a priority in its strategy, we are disappointed at the lack of progress. So far, this seems to be limited to a scoping project, dialogue with online sellers and reminding them of their responsibilities. This seems reactive and an approach that was exposed as inadequate when recalled second hand Whirlpool tumble dryers started appearing online for sale. *We recommend that OPSS work with online marketplace platforms to produce software and protocols which require sellers to provide information that can identify whether an item is recalled as a prerequisite to uploading for sale. The Government should also consider what sanctions might be needed for online platforms who do not adequately police the second-hand goods being sold on their websites. We also recommend that the Government reviews and reports on how second-hand goods sales on the high street are being monitored and what action is being taken when recalled goods are found to be being sold. This should include the recycled goods market, and the role of local councils and others who sell, or who are intermediaries, for such goods.* (Paragraph 41)
12. The OPSS and the Minister have told us that they are prioritising the sale of online electrical goods and are liaising with online market place platforms to remind them of their responsibility to ensure such goods are safe. We welcome this. However, there still appear to be too many cases of dangerous goods being found on such platforms. As recently as September 2019, Which? found that nearly three quarter of the online electrical goods it tested were dangerous. As with second hand online goods the current approach appears to be reactive with action taken after goods have been placed online and when a problem arises. We are also concerned as to what role LTS, despite increased training and support from OPSS, can play in stopping the sale of unsafe electrical goods, because of the cuts they have faced. *We recommend that OPSS works with online market place platforms to develop a more proactive approach*

*that ensures that electrical goods are not placed for sale online until their safety has been established. We also recommend that the Government publishes details of what role LTS are playing in policing electrical goods and what funding and resources they have to carry out this role. (Paragraph 45)*

13. The Government should be applauded for introducing new tougher tests for the backing on fridge freezers and for working with international safety bodies to bring about change. However, the OPSS and the Minister need to clarify exactly what the new standard seeks to achieve and what it intends to do about the plastic-backed fridges already in the supply chain and those being sold second hand, both online and in high street shops. *We recommend that OPSS and the Government make a clearer statement about plastic-backed fridges, indicating that they should no longer be manufactured, and setting out a grace period for the removal of such machines from supply chains and second-hand markets. (Paragraph 48)*
14. The fact that there are up to 800,000 defective and potentially dangerous tumble dryers in people's homes has highlighted the need for a central and joined-up portal for consumers to both register their products and access information about recalls. We are disappointed that despite recommending such a portal in January 2018, consumers can still not access such a resource. We acknowledge that OPSS have stated that they will deliver such a portal in November 2019. *We recommend that OPSS confirm that they are still on track to deliver the updated central registration and recall hub and if not when it will be operational. We recommend that such a portal should be based on product registration at point of sale and should be free from marketing. (Paragraph 51)*
15. We share the frustration of safety organisations that more progress has not been made on indelible marking of electrical goods. A simple low-tech and low-cost solution is already used for marking vehicles and we are concerned that scoping and consultation is delaying the introduction of such a solution. If we cannot easily identify electrical goods after a fire, we cannot easily discern which electrical goods are dangerous. This is a serious weakness in our product safety system and needs addressing as soon as possible. *We recommend that the Government urgently indicate when a viable system of indelible marking will be introduced and the reasons for delay. (Paragraph 53)*
16. It is disappointing that the UK still does not have an operational comprehensive injury and incident database. Along with indelible marking, such a database is crucial to tracking trends, identifying dangerous goods and enabling fire safety organisations and others to prepare mitigations. We accept that OPSS has prioritised such a database and is working with various stakeholders to identify sources of data and information. However, we note that OPSS has not identified insurance companies, who process claims after incidents involving electrical goods, as a potential source of information. *We recommend that OPSS updates us on when a national incident and injury database will be fully operational and accessible. We also recommend that OPSS approach insurance companies with a view to accessing data and information on incidents involving electrical goods. (Paragraph 57)*
17. The OPSS will have been in existence for two years in January 2020. We welcome the Minister's commitment to review and consult on its future. The fact that it

took until July 2019 to enforce a recall on Whirlpool and 9 months to produce an unconvincing review and an incomplete risk assessment of its modification raises serious questions about its current ability to regulate manufacturers and provide leadership. Its lack of transparency, compared to the Food Standards Agency, and questions over its data-sharing are also a cause for concern. (Paragraph 62)

18. Its response to dangerous second hand and online electrical goods appears reactive and not what we would have expected from an independent and robust regulator. (Paragraph 63)
19. It has not yet delivered a national injury database, a comprehensive registration and recall hub, or indelible marking for electrical goods. Their absence leaves a hole in the UK's product safety system and questions the ability of OPSS to move beyond scoping and consultation to enact meaningful changes. *We look forward to the Government's review and consultation on the OPSS. As the Minister has promised, this should seriously consider making it an independent and fully transparent body, placing the consumer at the heart of its decision making.* (Paragraph 64)
20. The inability of the OPSS to use civil sanctions for non-compliance with product safety standards threatens to make it a toothless regulator. Though we agree that OPSS should see part of its role as promoting best practice and supporting manufacturers, retailers and online platforms, it should also have the independence and confidence to sanction poor behaviour and non-compliance. Such sanctions would also act as an importance deterrent for non-compliance and give the OPSS more authority in dealing with manufacturers. We therefore welcome the Minister's commitment to consider widening the range of civil and criminal sanctions available to the OPSS and look forward to seeing proposals in the near future. (Paragraph 66)

# Formal minutes

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**Wednesday 30 October 2019**

Members present:

Rachel Reeves, in the Chair

Stephen Kerr      Ian Liddell-Grainger

Peter Kyle      Mark Pawsey

Draft Report (*The safety of electrical goods in the UK: follow-up*), proposed by the Chair, brought up and read.

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

Summary agreed to.

Paragraphs 1 to 66 read and agreed to.

*Resolved*, That the Report be the Second 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

## 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 2 July 2019

**Martyn Allen**, Technical Director, Electrical Safety First, **Charlie Pugsley**, Deputy Assistant Commissioner, London Fire Brigade, **Sue Davies**, Strategic Policy Adviser, Which?, and **Jemma Spurr**, Whirlpool customer

[Q1–77](#)

**Jeff Noel**, Corporate Vice President, Communications and Public Affairs, Whirlpool Corporation, **Michael Farrington**, Verification and Validation Leader for Dryers, Vertical Axis Washers, and Commercial Laundry, Whirlpool Corporation

[Q78–152](#)

### Tuesday 23 July 2019

**Lynn Faulds Wood**, author of UK Consumer Product Recall: An independent Review

[Q153–167](#)

**Kelly Tolhurst MP**, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy, **Graham Russell MBE**, CEO, Office for Product Safety and Standards

[Q168–235](#)

## 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.

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

- 1 ITV This Morning ([SKF0001](#))

## 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. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2019–20

First Report	Post Office Network	HC 2130
First Special Report	Energy efficiency: building towards net zero: Government Response to the Committee's Twenty-first Report	HC 1730