

REGULATION OF CONSTRUCTION MATERIALS & PRODUCTS

THIS spring, the Ministry of Housing, Communities & Local Government (MHCLG) conducted a major consultation on reforming arrangements to place construction materials & products on the market in Great Britain. Northern Ireland remains within the EU Single Market for all intents & purposes for as long as the NI Protocol and Windsor Framework are in force. But the intent is for UK-wide policy and regulation to apply nonetheless. In this article, Brett Amphlett (BMF Policy Manager) outlines the main proposals and explains some of the likely implications.

The Deputy Prime Minister made a statement in Parliament on 26 February to give HM Government's response to the Grenfell Tower Inquiry (GTI) Phase 2 Report. Ministers have accepted 49 recommendations in full - and accepted 9 others in principle that require further consideration and consultation.

For our supply chain, the MHCLG published a 158-page consultation inviting views on proposals to strengthen the regulation and oversight of construction materials & products. Most BMF members will be affected as manufacturers, producers, importers, merchants or distributors. The MHCLG document is here: <https://www.gov.uk/government/consultations/construction-products-reform-green-paper>

The proposals respond to (a) recommendations made in the GTI Report and (b) the findings of the Paul Morrell & Anneliese Day Independent Review of Product Testing & Certification. Both these reports found

systemic issues and failings by businesses and statutory bodies and call for significant improvements in safety and accountability. HM Government is now committed to bring forward a system-wide reform of the regime for construction materials & products.

BMF staff and others had a meeting with the Minister for Building Safety & Fire, Alex Norris MP, who left us in no doubt - this Government is going to make these changes and "get it done". He and his officials seem ready to listen to sensible ideas & practical suggestions - but reform is non-negotiable.

MAIN PROPOSALS

The MHCLG is proposing:

- to address gaps that could allow unsafe products to be placed on the market - notably by implementing a proportionate, risk-based **general safety requirement** that applies to all currently unregulated construction materials & products (page 53 of the consultation).
- that materials & products that fall under **designated standards** - or are subject to a **technical assessment** - must continue to comply with current standards that will be strengthened.
- that existing regulations need to be enforced with **stronger sanctions** for those who fail to adhere to standards. These proposals will include both civil & criminal penalties for manufacturers that engage in misleading practices or neglect their responsibilities.
- to allow the **National Regulator for Construction Products** (NRCP) to

impose sanctions against manufacturers & others who breach safety obligations - via penalties (inc. fines based on company revenue) and powers to limit the activities of named individuals.

- to empower the NRCP to conduct routine, proactive **market inspections and surveillance** to detect unsafe products early - before harm occurs - to promote a culture of safety.
- to require all materials & products to feature **clear, accessible labelling & information** that outlines critical safety information - and such information must be understandable to a wide range of users - namely construction professionals & everyday consumers.
- to establish a **new library for construction materials & products** that will serve as a central repository for vital information related to such goods - notably to store (among others) test results, certificates of compliance and relevant academic research.
- to mandate manufacturers to maintain and **provide full test data** to the NRCP to enable it to assure compliance with all new requirements.
- to introduce mandatory minimum requirements for all **third-party certification schemes** - to maintain a high level of rigour, consistency & transparency

- and to compel certification bodies to declare their processes are free from conflicts of interest, operate in the public interest, and adhere to industry best practice.

- to increase the oversight of **conformity assessment bodies** to ensure compliance with these minimum standards - perhaps with regular audits & inspections to uphold the proposed standards - and to encourage & protect whistle-blowers to report unethical practices.
- to collaborate with industry to provide **training programmes** aimed at improving technical expertise within conformity assessment bodies - and enhance the skills & competence of those conducting third-party testing - to produce reliable and trustworthy assessments.

In addition, these proposals place significant emphasis on improving coordination between the various regulatory bodies involved - namely the National Regulator for Construction Products, Building Safety Regulator, Local Authority Trading Standards and other agencies. The intention is to create clear lines of communication to allow regulatory bodies to share intelligence, co-ordinate investigatory work, and harmonise enforcement actions around the country.



Alex Norris MP,
Minister for Building
Safety & Fire

Construction Products Reform Green Paper

FEBRUARY 2025



ENVIRONMENT

The MHCLG also proposed ways to **improve the sustainability** and circularity of materials & products without undermining their safety. The consultation set out **proposed environmental requirements** for materials & products covered by a designated standard - or subject to a technical assessment. It also described options for a proportionate environmental obligation - and having standardised & transparent environmental data. This could mean essential characteristics related to the life cycle assessment of materials & products. For example: climate change effects, water use, particulate matter or land use.

DISCUSSION

BMF staff have (for 4 years) been collaborating with dozens of other trade associations and scientific & technical experts under the umbrella of the UK Construction Leadership Council. We serve on the CLC Standards & Regulatory Alignment Work Group that devotes the time & effort on matters regarding the post-Grenfell regulation of construction materials & products. During the consultation period, this Work Group met once a week to study and discuss the proposals and the questions set by the MHCLG.

The most controversial proposal is to establish a new library to act as a central repository for information on construction materials & products - like test results & certificates of compliance. Manufacturers may be compelled to provide full test data to the library. This may then allow your rivals to see your paid-for and commercially-sensitive test results.

The Association for Specialist Fire Protection has expressed concern about current practice within construction and its supply chain - namely the risk of ignorance or mis-selling of (for example) fire doors - due to the lack of training, or competence, or not being able to obtain stock.

THE CODE

The BMF strongly recommends that our members register with the Code for Construction Product Information (CCPI) that strives to raise standards in the marketing of materials & products - and the promotion of accompanying information to be clear, accurate and unambiguous. Please contact the CCPI to discuss how their assessors can help you to continuously improve and uphold high standards when selling your goods: <https://www.cpicode.org.uk/contact-us/>

NEXT STEPS

This major consultation exercise closed on 20 May and the 158-page document is here: <https://www.gov.uk/government/consultations/construction-products-reform-green-paper>.

Given the scope and extent of the proposals - and the complex legal, technical & commercial issues raised - we urge BMF members to read it in its entirety. These proposals and their implications have been aired at BMF Regional Meetings and Forums during February, March & April. This topic will feature at the next Insulation & Dry-Lining Forum (4 June) and Plumbing & Heating Forum (25 June).

HM Government will take several months to study and consider all the written contributions made by our industry - as well as from the fire & rescue services, tenants' groups and many others.



Klargester

NEW BioTec+ Sewage Treatment Plant

The **wastewater solution** to help achieve **nutrient neutrality**

Nutrient Neutrality is shown on new development plans to ensure there is no increase in nutrient pollution in protected areas. Our Klargester Sewage Treatment plant helps mitigation by discharging high quality effluent that supersedes standard discharge qualities to other areas.

Get in touch to arrange a **FREE** site visit today

T: 01 296 633 033
E: klargester@kingspan.com
W: klargester.co.uk



98.5%
Improved effluent quality
- BOD₅

60.8%
Total Phosphate removal,
3.5mg/l

75.5%
Total Nitrogen (TN_t),
115mg/l

£
Cost Efficient

Low profile cover

*Terms and conditions apply