

35094

Is it true that anyone can set up a business in the UK to make or sell face coverings, without any prior requirement to demonstrate experience or knowledge of textiles or product safety laws to an independent body?

Is it true that face coverings made in the UK are not independently safety tested at the point of manufacture?

Is it true that businesses can import face coverings into the UK from anywhere in the world, without a requirement for the importer to evidence their experience or knowledge of textiles or product safety laws to an independent body?

Is it true that UK retailers are not required to provide trading standards with evidence of the safety of the face coverings they are retailing before they are made available to the public?

Is there any mechanism preventing UK retailers purchasing face coverings, via global websites like Amazon and Alibaba etc, direct from countries that may have more lax safety standards than the UK in relation to the water repellent or fumigation chemicals that may be sprayed onto face coverings?

Noting that face coverings come with a risk of fainting and a risk of heart attacks when undertaking physical activity (point 7 at Harms from Face Coverings), does consumer protection law require suitable warnings to appear on the product (eg. in regards to driving, physical exercise or use of heavy machinery)? What legislation (Act and Section) requires this and who enforces that legislation?

The General Product Safety Regulations 2005 just requires a face covering to be "a safe product". This seems vague. Please can you advise which standards, guidance, legislation or other documents trading standards would review to confirm whether or not the product can be considered safe? For legislation, please can you advise the relevant Act and section

Please note that, under the legislation, you can ask for any kind of "recorded" information from a Scottish public authority, you cannot ask for someone's opinion that has not been put on record. Details of what you can ask for and how can be found on the Scottish Information Commissioner's website: <http://www.itspublicknowledge.info/YourRights/YourRights.aspx>.

Regarding questions 1-5, 16 & 17, City of Edinburgh Council holds no specific information in relation to the terms of the questions posed. Such general guidance should be sought from your own local authority or the Office for Product Safety and Standards (OPSS). You may wish to consult the guidance on gov.uk on the obligations of producers and importers. <https://www.gov.uk/government/publications/general-product-safety-regulations-2005>
<https://www.gov.uk/guidance/product-safety-law-compliance-advice-for-manufacturers-and-importers>

Specifically, face coverings are addressed here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1039559/Guidance-for-businesses-and-individuals-face-coverings-version-5.pdf

OPSS.enquiries@beis.gov.uk

Office for Product Safety and Standards

Department for Business, Energy and Industrial Strategy

4th Floor, Cannon House,

18 The Priory Queensway,

Birmingham

B4 6BS

In 2020, over 70,00031 new companies registered to make or sell face coverings. There has been a rush by businesses to profit from the virus. Noting this and the sudden national need for face coverings, please can you confirm what steps the Council's Trading Standards team took to identify whether any new (and potentially inexperienced) businesses, operating in the area, began manufacturing or retailing face coverings after December 2019. If you took no steps, please advise why not?

We do not hold this information.

Please can you provide details (name and address) of local businesses that began manufacturing face coverings for the first time after December 2019.

Please can you summarise any potential safety concerns discovered during your visits to face covering manufacturers and retailers. (Details of the companies concerned are not necessary, so the information is not protected by the FOIA "commercial secrets" or "criminal investigation" exemptions and may be disclosed)

Since April 2020, please can you confirm what actions the Council's Trading Standards team have taken to determine whether face coverings accessible to residents from websites with sellers from outside the European Union (eg. Amazon, Alibaba and eBay etc) are safe?

I note that following concerns by the Canadian health authorities, the Spanish Regulator took action (<https://bit.ly/3jMLrzs>) regarding the face coverings of concern, suggesting an information exchange between countries. What information has UK Government provided to the Council about potentially harmful substances that may be contained on face coverings?

What guidance has Government provided you on the necessity to conduct sampling of face coverings or particular substances to test for? Please provide a copy of that information and the date it was provided

The City of Edinburgh Council is unable to provide information in regard to the questions above, some of which would appear to be subsets of one another,

Unfortunately, due to legislative constraints contained within Part 9 of the Enterprise Act 2002 (Restrictions on Disclosure), disclosure of specified information is prohibited unless such information is released through a permitted gateway. Information is specified information if it comes to a public authority in connection with the exercise of its functions.

Information relating to complaint, referral or notification data, including any subsequent investigation and outcome data that relates to a business or individual, will be received by this authority in the course of our functions under the Enterprise Act 2002 and other specified consumer protection legislation. Therefore, such information is deemed to be specified information and is subject to the restrictions on disclosure set out under Part 9 of the Enterprise Act 2002.

The gateways for disclosure of information are prescribed within sections 239 - 243 of the Act. Having considered the terms of your request, I have concluded that none of the permitted gateways allowing for disclosure are satisfied. Accordingly, the City of Edinburgh Council would be prohibited from disclosing such information, if indeed such information was held by us.

What funds have been made available to the Council's Trading Standards team specifically to undertake safety testing on face coverings?

No funds have been made available specifically for the testing of face coverings. We are able to recover testing costs from centralised OPSS funding where the importer or producer of the product is within this local authority area, or where the products have been tested in relation to Ports & Borders work.

How many samples of face coverings being locally manufactured has the Council's Trading Standards team sent for analysis? Please advise the results of that analysis, including samples tested and numbers containing harmful substances; what those substances were. Please provide separate data for the periods April 2020 - March 2021 and April 2021 - present.

How many samples of face coverings has the Council's Trading Standards team sent for analysis? Please provide separate data for the periods April 2020 - March 2021 and April 2021 - present

This service has had 7 face covering samples sent for analysis in August 2020. As per the restrictions in the previous section, we are unable to release the details of such testing, however, these tests did not reveal any matters which necessitated further action.

How many physical visits did the Council's Trading Standards team conduct to face covering manufacturers and retailers? Please differentiate between manufacturers and retailers in the data provided.

Please provide separate data for the periods April 2020 - March 2021 and April 2021 - present.

Unfortunately, we are unable to provide you with the information you have requested as the cost to the Council of locating, retrieving and providing you with the information exceeds the statutory maximum of £600.

We are unable to determine this information as any enforcement actions/visits are not categorised in a way which allows this to be specifically disaggregated. To determine this would involve the manual screening of 4053 records. At one minute per record, it is estimated that this task would take 67 hours.