



Fire Industry Association

Paul Scully MP
Minister for Small Business, Consumers and Labour Markets
House of Commons
London
SW1A 0AA

Tuesday 9th March 2021

RE: UK Product regulation change – UKCA Mark

Dear Minister,

We are once again writing on behalf of the fire industry regarding the UKCA mark as our members and the wider fire industry are still deeply concerned about the real impacts that transitioning to the UKCA mark will have on their businesses at this unprecedented time. Our members and the wider fire industry are doing their best at these difficult times to comply with both the new UKCA regime and the impact of the pandemic.

In principle the UKCA marking looks simple and easy to understand, because it's the same as CE marking, but the challenge comes with the details. To get a better understanding of the real details of implementing the UKCA mark in the fire industry we met with the relevant UK Approval Bodies (UK AB) to try and gain clarity on their processes and policies on transitioning/implementing the UKCA mark. Whilst, some progress was made in the meeting, and we are thankful for the UK ABs for engaging with us, it reaffirmed our concerns that many businesses will be unable to affix the UKCA mark to all of their products within the remaining transition period.

In the meeting we shared the results of our recent survey put to the fire industry on their current progress implementing the UKCA mark and their expectations in getting all their products transitioned by the end of 2021. Our survey found that the average respondent currently has the UKCA mark on 5% of their products; despite the average respondent claiming they need 94% of their products to have the UKCA mark. These findings are worrying in that little progress has been made so far and highlighted that the average respondent estimated that they will only have 63% of their products with the UKCA mark by the end of 2021. It is worth noting that this does not include the difficulties the UK ABs may have in getting through a considerable number of certificates in such a short time. The survey found that lack of clear guidance or clarity from UK ABs, a lengthy third-party certification process and the considerable cost of implementing the UKCA mark - whilst providing no added value - are hindering businesses that are trying to implement the UKCA mark by the end of the transition period (December 31st 2021).

When meeting with the UK ABs we highlighted that our industry is seeking clear guidance on how the ABs will deal with the UKCA process, unfortunately they were unable to collectively provide reassurance on their processes. They advised that they are still waiting for the Government to create a group that would allow the UK ABs to collectively agree to a common policy on how they will deal with the UKCA. The UK ABs estimated that September/October of this year is a realistic timeline for



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such a document to be published, this would give our industry 3 months to start the process of implementing the UKCA mark. Such a short window would inevitably put significant demand on the UK ABs ability to issue UKCA certificates and likely mean that many products will not have the UKCA mark by the end of 2021. It is not our intention to question why such a group was not established beforehand, but instead to highlight the impact that our industry is feeling due to the lack of clarity on implementing the UKCA mark in the fire industry.

The UKCA mark impacts industries differently. In the fire industry nearly all life safety products are covered by the UK Construction Products Regulations, and must undergo an Assessment and Verification of Consistency of Performance (AVCP) system 1, which requires UK Approval Bodies (UK AB) to:

1. assess the performance based on the (initial) type-testing reports executed by an independent 3rd party test lab with which the UK AB needs to have a specific agreement,
2. do the initial inspection of the manufacturing plant and the manufactures Factory Production Control (FPC)
3. perform the yearly surveillance audit of the FPC at the manufacturing plant.

In addition, the same construction products that the FIA represents are covered by UK RoHS, UK EMV, UK LVD & UK RED which are self-declaration. Some are also affected by the UK PED or UK ATEX where once again UK AB involvement is needed.

In order to be able to apply the UKCA marking to the product, there must be:

1. One UK Declaration of Conformity per product
2. One UK Declaration of Performance

As can be seen above implementing the UKCA mark in the fire industry is a complex, unique and lengthy process which is causing great concern for many businesses in the fire industry. What's more, this process must be repeated multiple times for each different product a business has. As such the cost for a business to go through this process is significant and the cost for our entire industry to do so is immense and our research has found that it will cost the fire industry £17 million at a minimum to transition to the UKCA mark. These headline figures do not include for the costs associated for companies that have already transferred their certification to an EU Notified Body (at considerable cost), that will need to re-apply for a UKCA mark, in addition to the ongoing maintenance costs associated with duplication of certification in terms of audits, internal projects, product modifications and file maintenance. These additional costs come at a time when businesses are still recovering from the devastating impacts of a pandemic and these costs do not result in any added value and is merely a means of national compliance.

It is important for this to be raised because in the Explanatory Memorandum to Statutory Instrument 2019/465 produced by the Ministry of Housing, Communities and Local Government (MHCLG) it states there is no expected 'material costs' to businesses other than some limited



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“familiarisation costs”. We acknowledge these costs are unavoidable due to the need for the UKCA mark to be introduced as a result of the UK leaving the European Union. Yet if these costs have to be paid in the next 9 months, we are concerned that this will mean some businesses across the UK will be unable to continue operating leaving fire safety systems in jeopardy and the end user less choice.

The costs associated with implementing the UKCA mark might be the final straw for many businesses, for others it will not make sense to get the UKCA marking on older products which is equally as worrying. Many systems are only compatible with certain products and if businesses are unable to afford to get the UKCA mark on these products it may leave 1000's of buildings (including hospitals, care homes and schools) in the UK with a fire safety system that needs entirely replacing costing thousands to the end users - if fire safety systems are unable to have a mix of UKCA and CE marked products. Or worse it will mean their fire safety system is unsupported, unserviceable and unprotected. Once again, it would be remiss of us not to mention that in the EM to SI 2019/465 MHCLG states ‘there will be no significant impact on the public sector’, we believe that insisting that the UKCA mark must be implemented in the fire industry by the end of 2021 will inadvertently cause a significant negative impact to the fire safety systems of the public sector.

As an industry, we fully accept and support the necessity of the UKCA mark, yet we believe that Government stating it must be implemented by the end of 2021 is unrealistic and attempting to do so may undo some of the progress we have made levelling up our nation's fire safety, and in places may in fact worsen our nation's resilience to the threat of fire.

Exceptions have already been made for other industries that are primarily concerned with life safety - such as Medical Devices. The fire industry would greatly appreciate if the Government would extend the transition period deadline for the UKCA mark from December 31st 2021 (12 months) to December 31st 2023 (36 months) as we believe doing so will solve the problems noted above.

As always, we are both willing and able to meet with and talk to the Government to discuss this crucial and time sensitive issue in more detail.

Yours sincerely,

Chief Executive FIA

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