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Construction Products Legislation Update

Reforms to construction products regulations: Are there red flags in the government's green paper?



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Introduction

This update article has been produced in response to the Government's Construction Products Reform Green Paper, which is open to online consultation until 21st May 2025.

Driven ultimately by the tragic events of Grenfell Tower, and a growing awareness, in the light of subsequent enquiries and regulatory changes, that there remained significant gaps in the construction product safety regime, the Green Paper sets out to identify shortfalls and propose corrective actions.

This is a welcome and responsible initiative that stands to right previous wrongs and reduce the risk of further human catastrophe in the future. But legitimate questions have been raised around its timing, and the extent to which this may be seen to be politically expedient, rather than ethically informed.

After all, the Government's plan to build 1.5 million new homes during the tenure of the current administration is susceptible to delay if construction product safety issues come to light.

That said, the Government's view, stated in the Paper, that regulatory change will strengthen the credibility of the construction industry in this country, and improve its standing, is a valid one.

Both the certification and traceability of products are likely to benefit from the Paper's proposed reforms, addressing a huge issue throughout the industry – although, arguably, the proposals are short on detail.

In summary, this is an ambitious Green Paper with a few red flags. In this piece, we look more closely at what the Government is proposing, its credibility, and its likely outcomes.





What issues does the Green Paper cover?

As with most Government literature and proposals, the Green Paper is a pretty extensive tome, running to some 158 pages. But the essence of the problems it addresses can be boiled down into five key points:

One

A substantial number of construction products are still unregulated – around two-thirds of them, in fact. This allows potentially unsafe materials to enter the construction system and be used in both new builds and renovations.

Two

Many products lack robust safety evaluations. The focus of the current regulatory regime has primarily been to facilitate trade through appropriate technical specifications, rather than to ensure the safety of construction products.

Three

Enforcement is weak, lacking sufficient authority and resources to hold manufacturers to account or take action against them.

Four

Availability and accessibility of product information is poor. Stakeholders, including builders and consumers, face challenges when looking to access clear and comprehensive information about the safety performance of construction products.

Five

Fragmented regulatory landscape. This creates inconsistencies in oversight and enforcement, with multiple organisations involved, and communication, cooperation, and collaborative action often falling short.

The Paper is certainly grappling with some key issues, here. But how does the Government plan to address them – and how effective and realistic are those actions likely to be?

Critiquing the reforms proposed

Broadly speaking, we can summarise most of the proposed reforms under a few headings:

1. Strengthening of regulatory scope, coverage, and compliance
2. Beefed-up regulatory enforcement, collaboration, accountability, and redress
3. Improved product information, transparency, traceability, and certification
4. Sustainability and environmental considerations

Here are our thoughts on these.

Regulatory improvement By what measure?

The Government plans to implement a proportionate, risk-based general safety requirement that applies to all currently unregulated construction products. Safety compliance requirements will also be added to products that currently meet other designated standards only.

However, it's important to understand that the responsibility for completing the risk assessment will rest with the manufacturers themselves.

Whilst the sheer volume of products involved probably means that some degree of self-assessment is inevitable, there is no current clarity about the circumstances under which official intervention or escalation may become necessary, or if indeed these options have been considered.

And whilst self-assessment schemes can indeed be robust and well policed, the lingering sense of manufacturers being able to mark their own homework' may mean the approach is rather less of a boost to the industry's credibility than the Government hopes for.



Sharp new teeth but coordination still a worry

On the enforcement front, it has to be said the Green Paper is clear that effective sanctions are essential, with hefty, revenue-related fines and refusal of product entry into the UK market both firmly on the table.

But the worry here is that these are proposed new powers for the established national regulators – the National Regulator for Construction Products (NRCP) and the Building Safety Regulator (BSR). Exactly how these powers will be called on and applied at regional and local level isn't explained.

There is mention of closer cooperation between agencies with related interests, including Local Authority Trading Standards (LATS), which is no doubt a productive synergy, and the role of shared technology in supporting this process has been clearly identified.

But with lines of communication and cooperation still fundamentally patchwork and piecemeal in nature, notions of strengthened accountability and redress could simply slip through the cracks.

And taking the critique a step further, it could be argued, as in the recent Hackitt and Morrell-Day reports into construction product safety and quality, that the absence of a single, authoritative building sciences institution at the top of the chain – such as the DIBT in Germany, for example – consigns the process to a somewhat rudderless trajectory from the very start.



Documented and proven fit for purpose

A complex exercise

An absence of information should reasonably create doubt, and the paucity of available and easily accessible information – including relevant certifications – for many construction products currently on the market is a theme the Green Paper is keen to address.

And to its credit, it does this relatively thoroughly. The creation of product information libraries, shared with the national regulators but accessible to industry professionals and the general public alike, for example, makes good sense.

So, as well, does a product passport that details safety standards and supply chain minutiae, and the oversight and auditing of third-party certification companies by the regulators.

It's worth noting that the passport concept, in particular, will deliver diplomatic and economic benefits, too, as it will maintain alignment with the EU Construction Products Regulations (EU CPR) and the bloc's own digital passport programme, and will enable the UK to continue to use the CE mark on its products.

This is a vital bilateral trade concession, given that the UK exports around 60% of its construction product output to the EU, and the EU exports almost exactly the same percentage to the UK.

Yet the complexity of the challenge may be underestimated. With many products sold into the UK from abroad through online platforms where items can be badged as multiple brands or indeed sold as unbranded or generic merchandise, product information risks becoming more extensive and a great deal denser without an accompanying increase in transparency.

And when you consider that alignment with EU CPR covers not just products used above ground, but also those used in civils and underground projects, the vastness of the information and certification challenge hits home even harder.

Sustainability

Important but incongruous

Understandably, given the continuing fallout from the Grenfell tragedy, the Green Paper gives priority to issues of product safety.

But with safety and sustainability often so closely intertwined, the Paper seems to miss a trick, and sustainability ends up sounding like an afterthought.

The language here is also vague. The Green Paper, it says of itself, will “explore the concept that construction products should be required to undergo life cycle assessments” – but it makes no commitment to do so.

Conclusion: positive aspirations awaiting action

Overall, this is a Green Paper that makes valid points and proposes actions appropriate to the learnings from horrific past experience and aligned with a vision for safer buildings in the future.

But some things have been left unsaid. There is no specific mention, for example, of where the funding or expertise will come from to support the creation of new product information libraries, or to build the technology platforms needed to drive collaboration between regulatory authorities.

Equally, there is no mention of the increased headcount that will inevitably be required in a more aggressive enforcement, accountability, and penalty regime, and no consideration of the specialist cultural and linguistic skills needed to deal with manufacturers and suppliers outside the UK, and particularly in the Far East.

And against the backdrop of an overarching skills shortage that is bedevilling the UK construction industry at every turn, the absence of any insight into how the technical skills necessary to both certificate products and install them compliantly and safely is striking.

Admittedly, this is probably a further stage of detail, and at this juncture we shouldn't condemn aspiration for lack of precision. Reform must start somewhere.

Nonetheless, many construction sector professionals are currently sceptical about how the reforms will be made to work in practice.

We urge you to complete the Green Paper's consultation survey before the deadline of 21st May 2025, and make your views on the Paper's proposals known.

Complete the consultation survey

You can read and download the Green Paper from the Government website [here](#).
To complete the Green Paper's consultation survey [click here](#).



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