

The potential safety risks that users are exposed to in regard to many everyday items are covered by European Directives such as the Toy Safety Directive, the PPE directive or the requirements for electrical items. For a large number of others, however, there is no recognised standard which can be followed to demonstrate that the item is fit for purpose with respect to safety. Such products are covered by the European General Products Safety Directive (GPSD).

General Products Safety Directive

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The current version of the directive was published in 2001 (2001/95/EC) to replace the original 1992 directive (92/59/EEC). Its scope is not just limited to the sale or supply of new goods but also includes the resale of goods on the second hand market as well as the supply of goods for hire or use by the general public.

There are a number of exceptions to the directive such as goods supplied for reconditioning and subsequent onward sale. While these need not be safe when they are supplied to the reconditioning body, subsequent resale would be covered by the directive. Goods covered by specific directive such as PPE are not covered by GPSD except where the specific directive does not address hazards associated with the item. Although products supplied for use by professional users are not covered, where the same items are available for hire by the general public, they are.

The requirements of the directive require that the product should be safe for its lifetime which will naturally generate debate about what a reasonable lifetime should be. This, however, is not an issue of quality but one of safety even though the two are often closely linked. It could in fact be defined as 'A product may wear out through use but the mechanism of wear should not introduce an inherent safety fault in the product'. The directive also includes a requirement that a product should be traceable by batch so that if product recall became necessary, it could be easily arranged.

The safety of a product is therefore not merely linked to its inherent features. Hazards arising from its use also need to be assessed, as do those that might arise by foreseeable misuse and any specific risks linked to its use by vulnerable groups such as children, the elderly or the disabled.



RISK ASSESSMENT

This is the mechanism by which an item needs to be assessed as being safe and, while there are many tools by which a risk assessment can be carried out, all of them should consider the same basic parameters:

- Identify each hazard (including foreseeable misuse)
- Is it obvious to the user
- Availability of product
- Result if failure occurs
- Age/vulnerability of the user

These parameters when assessed together should provide a degree of risk for the item. If the result highlights unacceptable hazards, some action will need to be taken. This will again depend on the item and what stage the product has reached in its lifecycle.

If it is still in the design or prototype stage, a simple design change may engineer out the hazard. Alternatively, the information provided to the user may be altered to inform them of the hazard so that the likelihood of it actually occurring is diminished. A third option may be to limit the availability of certain items to vulnerable groups by changing the location of sale and/or the packaging design and intention.

If products already on the market are found to have unacceptable hazards then a decision will be needed on whether to go for a full product recall or merely to remove the current stock from sale.

A risk assessment will often raise questions that can only be

Visual assessment



answered through the application of tests to demonstrate if a hazard is real or not. For instance, a small part which could potentially be a choking hazard will only become a genuine one if it is removable. Determination of attachment strength as part of the risk assessment would answer this question.

The risk assessment process is best undertaken as a team or at least done independently by two individuals and then brought together to discuss the issues raised. This is because as individuals we all have different perceptions of risk, so one person may not notice an issue that another considers a significant risk.

DUE DILIGENCE

An initial risk assessment will often be carried out on pre-production samples supplied by a factory for approval. Bulk production, however, may be made in a slightly different way and materials may change over time in either source or quality. The critical safety aspects of production therefore need to be assessed on a regular basis. This is referred to as due diligence testing and if a company has a well established technical file of such testing, it will be a valuable defence if ever a prosecution is raised for an unsafe product. The level of due diligence testing will need to reflect the potential consequences, the size of production and can take into account historical data on whether failures have been observed from that particular production unit in the past.

SAFETY CRITICAL ASPECTS FOR FOOTWEAR

In footwear intended for adults the main hazards identified from safety related complaints are as follows:

- Slipping/tripping/falling
- Heel breakage/top piece detachment
- Sole detaching
- Fastening failure

It does not necessarily follow that a complaint about an item is definitely due to an inherent fault. The customer's complaint may relate to aspects that are not related to the footwear. Slipping and tripping can be influenced by the condition of the floor as well as the footwear itself, while some skin reactions are related to allergens rather than chemicals that are inherently

harmful. A careful logging of complaints allows an organisation to see developing patterns and develop a procedure as to when a series of complaints should trigger a more thorough investigation. This may be a single major event or a series of minor ones.

As there are no internationally recognised standards for these performance requirements, industry would be expected to follow the best practice guidelines or an internal specification. SATRA, for example, has developed a range of guidelines for both safety and quality aspects of footwear production, which have been incorporated into many company's internal standards documents. This offers the assurance that any testing data based on such guidelines will have a sound base able to withstand robust scrutiny and which can be referred to if a defence was required against a prosecution.

FACTORS FOR CHILDREN

Other factors need to be taken into account in regard to children. In the UK, there is case law which established the principle of using the toy safety directive to assess the potential hazards from items intended for children of a particular age. For detachable small parts which represent choking hazards the age range is three years and under, while for the migration of certain elements (toxicity) it would be six and under.

This poses a particular problem for children's footwear suppliers as they would need to consider whether a proposed style in the smaller sizes would fall into one of the above categories, bearing in mind the relationship between children's shoe sizes and their ages.

This is also important where children's shoes may be sold with a giveaway toy. In this case, it would not be acceptable to give away a toy which is CE marked against the toy safety directive but is labelled as not suitable for children under 36 months if the potential age range for the shoes includes a significant proportion of children who will be less than 36 months old.

NOVELTY PRODUCTS

Some items of footwear, such as novelty slippers or 'heelies' (shoes with a retractable wheel in the heel), will also need to take into account the inherent risks that are associated with ➤

Testing for resistance to slip



WORLD FOOTWEAR

them. For example, a novelty character slipper may be intended for an adult but may be attractive to, and have some play value, for a child. Heelies, by their very nature, possess risks that must be addressed by labelling and warning, simply because the property that makes them attractive as a purchase has an inherent risk attached.

CE MARKING NOT REQUIRED

The CE mark is not part of the GPSD. For items to be CE marked they must comply with one of the New Approach Directives. Toys and PPE must therefore be CE marked for sale within the EU. Everyday products—even though they may have been assessed against standards related to either PPE or toys—are not CE marked. However, where giveaway items (as indicated above) fall within the scope of the toy directive, they need to be CE marked, with all the attendant information that goes with it.

CONCLUSIONS

The implementation of this directive places the onus for demonstrating that an item is safe with the importer, even though in the case of branded products, the brand holder/retailer may be considered as being the responsible party.

For a product to be compliant with the General Product Safety Directive, the responsible organisation should ensure the following:

Childrens novelty slippers may pose risks



- The product has had a risk assessment carried out with the process documented and supported by test data where appropriate
- The product should be clearly labelled with appropriate warnings and instructions to minimise hazards that may arise during use or foreseeable misuse
- The product should be traceable to a production location and batch so that recalls can be targeted effectively. 

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