



Department for  
Business, Energy  
& Industrial Strategy

Office for Product  
Safety & Standards

# Updating The Furniture and Furnishings (Fire) (Safety) Regulations 1988

Government response to consultation

July 2019



**OGL**

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## Executive summary

This document sets out the government's response to the consultation on 'Updating the Furniture and Furnishings (Fire) (Safety) Regulations 1988' which took place between 14 September and 11 November 2016. The consultation documents can be found at [www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016](http://www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016).

The UK Furniture and Furnishings (Fire) (Safety) Regulations 1988 set fire resistance requirements for cover materials and fillings used to make domestic upholstered furniture.

The consultation aimed to ensure that our legislative framework maintains fire safety for consumers, reflects technological advances in furniture manufacturing practices, and facilitates a reduction in the use of hazardous flame-retardant chemicals as a means of making furniture fire resistant.

The consultation sought views on proposals to amend the testing regime. It also sought views on proposals for clarifying and amending the scope of the regulations, strengthening the traceability requirements to bring furniture into line with other product sectors, updating labelling rules, and extending the time period for Trading Standards to institute legal proceedings.

A total of 126 formal responses were received from businesses, test laboratories, local authorities (fire & rescue and Trading Standards), and other stakeholders. Feedback was also obtained at stakeholder meetings where the proposals were discussed. During the course of the review, to ensure the highest standards, we also sought the views of Chief Scientific Advisors across government.

There was generally broad support for the proposals relating to scope, traceability and labelling, and enforcement. There were mixed views on the proposals to revise the testing regime.

We have reviewed our proposals in the light of stakeholder feedback and the advice of the expert Advisory Panel. The government will now develop a new approach to address the different sources and chemical risks posed by fire to upholstered furniture and furnishings. It will focus on safety outcomes such as reduced risk of ignition; reduced risk of fire spread and will be underpinned by a set of essential safety requirements which all upholstered furniture placed on the market must meet.

This approach is consistent with that taken for other consumer products. The new legislation will be supported by British Standards which will be developed by the British Standards Institution in partnership with a wide range of stakeholders, including industry, fire-safety experts and consumer representatives.

We will provide further detail on how the proposals relating to scope, traceability, labelling and enforcement, will be implemented when we are in a position to revise the current Regulations.

This new approach will continue to ensure that manufacturers place only safe products on the UK market. We will consult on the detail of this new approach in due course. In the meantime, the existing Regulations will continue to apply.

# The consultation

## What was the background to the consultation?

1. [The Furniture and Furnishings \(Fire\) \(Safety\) Regulations 1988](#) (as amended) - the FFRs - were introduced to help reduce the risks of injury or loss of life through fires in the home spread by upholstered furniture. In the preceding years, foam fillings had replaced natural, fire-resistant, materials (such as horse hair) making furniture more affordable. These foams were extremely flammable and there was a sharp increase in fatalities from house fires.
2. The FFRs include fire resistance requirements for new and second-hand upholstered furniture which aim to ensure safety in relation to accidental ignition from sources such as a match or cigarette. They do not stipulate how to comply with these requirements but the primary means that industry uses is to treat with flame retardant chemicals.
3. Since the FFRs were introduced, there have been significant developments in the way that furniture is manufactured. There has also been growing evidence linking the specific flame-retardant chemicals most often used in furniture to serious long-term health impacts.
4. Work to update the FFRs has been on-going since 2010 and a public consultation on revising the testing regime set out in the regulations was undertaken in 2014. In light of stakeholders' feedback, the government concluded that further work was needed to explore some of the issues raised. Some of this work was facilitated by the British Standards Institution and a Technical Panel was established to provide expert advice. This work informed the development of refined proposals for revising the testing regime and these were the subject of consultation between September and November 2016.

## What did we consult on?

5. The consultation sought views on proposals for a revised match test for covers and on removing the requirement to undertake the cigarette test for covers that pass the revised match test.
6. It also sought views on proposals for: clarifying and amending the scope of the regulations; strengthening the requirements on traceability of products to bring furniture into line with other product sectors; simplifying the labelling requirements; and extending the time period for local authority Trading Standards services to institute legal proceedings.

7. The objectives of the proposal were to:

- maintain the current high levels of fire safety;
- allow industry to reduce the use of flame retardants in response to concerns about the impact of these chemicals on health and the environment;
- leave room for innovation and the development of new technology – particularly new barrier technology that would allow fire resistance to be achieved without the use of chemicals – and also innovation as to the materials used in furniture;
- give industry choices for adapting to change; and
- be capable of enforcement by Trading Standards.

## Who did we consult?

8. The consultation package was sent to over 400 stakeholders including businesses, test houses, fire and rescue services and Trading Standards services and other interested parties. A list of recipients was included at Annex 2 of the [consultation document](#). The consultation was also published on [GOV.UK](#) and on our [Citizen Space consultation hub](#).

## Who responded?

9. A total of 126 formal responses were received. A breakdown is provided below, and a full list is provided at [Annex 1](#) of this document. The majority of responses were from business stakeholders (63%), including furniture, upholstery and baby products businesses and their representative trade bodies, and flame-retardant suppliers. Responses were also received from test houses (3%); fire and rescue stakeholders (12%); Trading Standards stakeholders (8%), as well as charities and social enterprises (7%) and a number of academics, consultants and individuals (7%).

Stakeholder category	Number of responses	% of responses*
Business/business representative body	79	63
Test house	4	3
Fire and Rescue Service	15	12
Trading standards	10	8
Charity or social enterprise	9	7
Other (academics, consultants, individuals)	9	7
<b>Total</b>	<b>126</b>	<b>100</b>

\* Figures have been rounded.

10. A number of meetings with different stakeholder groups were also held at which the proposals were discussed and the views expressed have also been taken into consideration.

## What did stakeholders say and what is the government's response?

11. A brief overview of the written responses to our proposals and the government's response is set out in the next section. A more detailed summary of the consultation is provided in [Annex 2](#).



## Consultation outcome

12. There was broad support for the proposed amended definition of scope as it provides greater clarity about the products that need to meet the requirements. There was also broad support for the proposals to clarifying the positions on sleeping bags and mattress protectors, scatter cushions and seat pads, outdoor furniture, and second hand furniture. The proposal to exclude baby products also received general support but some stakeholders, particularly some of the fire and rescue services that responded, raised concerns.
13. Similarly, there was broad support for the proposals on traceability and labelling and local authority stakeholders welcomed the proposal to extend the time period for instituting legal proceedings.
14. There were no fundamental objections to reforming the testing requirements. Views on the detailed proposals, however, were mixed and views varied within stakeholder groups. As with the proposals we consulted on in 2014, there was concern that there is insufficient evidence that the revised match test will meet the objectives of the review. The removal of the cigarette test was opposed by the majority of fire services that responded. They considered the evidence was not robust and the risks too high.

## Government response

15. In light of the support for our proposals relating to scope (other than the exclusion of certain baby products), to traceability and labelling and to enforcement, we intend to implement these when the current Regulations are revised. In doing so we will consider how best to address some of the issues that were raised including through clearer drafting of the legislation or through guidance.
16. Given the concerns raised by fire service stakeholders about excluding prams and Moses baskets etc., we plan to seek views on their inclusion in the revised proposals when we consult on the draft essential safety requirements.
17. Given the divergence of views on the proposals on testing, the concerns and questions raised about the evidence on which they were based, and the technical complexities of the issues being considered, we convened an Advisory Panel of leading fire safety and government chief scientific experts to provide advice and guidance to help inform our policy decisions.

18. The Advisory Panel was chaired by the then Chief Executive of the Institution of Fire Engineers and former Deputy Chief Fire Officer for Devon and Somerset Fire and Rescue Service. The other members were the Chief Scientific Advisor to the Department for Business, Energy and Industrial Strategy, Chief Scientific Advisor to the Department for the Environment, Food and Rural Affairs, Head of Toxicology at Public Health England; and the Assistant Chief Fire Officer at Cambridgeshire Fire & Rescue Service.
19. The Panel, which met in July 2017, discussed the suitability of the current regulatory framework in light of developments in fire safety and advances in materials technology and furniture manufacture. It considered the technical difficulties associated with the current regulations and the complexities of ensuring that fire safety risks and the risks associated with flame retardant chemicals are dealt with appropriately. It also considered the available evidence base against which any changes to the current regime should be assessed.
20. The Advisory Panel was clear that fire protection must remain the principal objective and priority and that finding ways to achieve this while reducing the use of hazardous flame-retardant chemicals should be the aim. The experts concluded that the responses to the consultation revealed that the evidence base is not sufficient to demonstrate that our proposals would achieve this.
21. The Panel suggested that a more effective way of addressing the risks presented by furniture in the modern home environment would be an outcome focused, criteria-based approach. By taking the focus away from passing a prescribed test – which seems likely to perpetuate and potentially increase the use of flame-retardant chemicals - this approach would also remove barriers to innovation. It would, therefore, be a better way to encourage businesses to find new ways of making furniture fire resistant without a reliance on flame retardant chemicals.
22. We have reviewed our proposals against our primary policy objectives and in the light of stakeholder feedback and the advice of the Panel.
23. We have decided not to proceed with our proposal to revise the prescribed testing regime set out in the FFRs. We propose instead to develop an outcome focussed approach based on a set of essential safety requirements. Responsibility for demonstrating compliance with these requirements will sit firmly with the manufacturer. The essential safety requirements will be underpinned by testing against UK standards that will be developed.
24. This is consistent with the approach already established for other consumer products, for example, toys – see box below – where it was introduced to improve the safety of goods in the sector. This will enable us to identify all relevant risks and ensure testing will be conducted against standards using robust methodologies. It is the most effective means, in the longer term, of ensuring that fire safety standards

are not reduced and of keeping pace with changing risks and technological advances. It will, therefore, enable manufacturers to utilise technological innovations to move to alternative forms of flame resistance while enhancing consumer safety.

25. The Office for Product Safety and Standards will work with stakeholders and businesses to share information about technological developments and alternative approaches to fire safety.
26. The existing 1988 Regulations (as amended) will continue to apply until the new requirements are in place.

### **Safety of toys**

Cars coming off the production line at a MINI factory.’ Manufacturers are required by law to make sure that toys are designed and manufactured to comply with essential safety requirements. These include requirements to address risks from particular hazards including flammability, strangulation, asphyxiation and other physical risks associated with the product. The requirements in relation to flammability are as follows:

“Toys must not constitute a dangerous flammable element in the child’s environment. They must therefore be composed of materials which fulfil one or more of the following conditions:

- (a) they do not burn if directly exposed to a flame or spark or other potential source of fire;
- (b) they are not readily flammable (the flame goes out as soon as the fire cause disappears);
- (c) if they do ignite, they burn slowly and present a low rate of spread of the flame;
- (d) irrespective of the toy’s chemical composition, they are designed so as to mechanically delay the combustion process.

Such combustible materials must not constitute a risk of ignition for other materials used in the toy.”

Demonstration of compliance is underpinned by testing in accordance with relevant standards. The main standard for mechanical, physical and chemical testing of toys is EN 71: Safety of toys. Part 2 describes flammability testing.

### **Next steps**

27. We are conscious of the impact of our decision on the timescale for reform but consider it is essential that any regulatory requirements reflect the risks faced today and will keep pace with changing risks and technological advances.
28. We are prioritising the development of the new approach. Work to scope the approaches adopted in other countries has been undertaken and we are working with the British Standards Institution to explore the types of standards that might be developed to underpin demonstration of compliance with the essential requirements and we will develop a full impact assessment for implementing the approach.

29. Over the coming months, we will work with technical and scientific experts to develop essential safety requirements for a further consultation on the new legislative framework, including draft Regulations, with a view to introducing legislation as soon as is practicable taking account the need for clear guidance for business in complying with the legislation.
30. We will work closely with stakeholders throughout the process and will seek further guidance from the Advisory Panel and other experts as appropriate.

## Annex 1 – List of respondents

### **Business/business representative body**

Aero Zip Ltd  
Alstons Upholstery Ltd  
Artsana UK LTD  
Association of Master Upholsterers and Soft Furnishers  
Baby Products Association  
Baby2K  
Bingley Textile Supplies Ltd  
British Furniture Confederation  
British Furniture Manufacturers Limited  
British Interior Textiles Association  
British Retail Consortium  
Bromine Science Environmental Forum  
Bugaboo International BV  
Buoyant Upholstery Limited  
Clarkson Textiles Ltd  
Cleland McIver  
Clockwork Components  
Commercial Agents Baby Products  
Community Playthings  
Concord and Be Cool Baby Products  
Cottonsafe Natural Mattress  
Dorel UK Ltd  
East Coast Nursery  
European Man-made Fibres Association (CIRFS)  
European Flame Retardants Association  
European Furniture Industries Confederation  
Fedustria (Federation of the Belgian textile manufacturers)  
FRETWORK  
Flexible Foam Research Ltd  
Francis Dinsmore Textiles  
FUDA International Trading Co Ltd  
Furniture Maker  
Furniture Industry Research Association  
G Plan Upholstery Ltd  
Gharda Chemicals Limited  
Green Textile Consultants Ltd  
H & C Whitehead Ltd  
HALO Creative & Design Ltd  
Herman Miller  
Icklebubba  
IKEA of Sweden  
IKEA Retail UK & IE  
Ipea UK Ltd.J E Ekornes AS, Norway  
J Share and Sons Ltd (SCS)  
John Lewis Partnership  
Kids II  
Kooltrade Ltd  
Leisure and Outdoor Furniture Association  
Mamas and Papas Limited  
Mark Webster Designs Ltd  
Mattel UK Limited  
Mobus Fabrics Ltd  
Mothercare UK Ltd  
National Bed Federation  
National Caravan Council  
Next Retail Ltd  
Parker Knoll  
Phosphorous, Inorganic and Nitrogen Retardants Association (Pinfa)  
Quality Furniture Company Ltd  
Quality Solutions Ltd  
RestRelax  
Ross Fabrics  
Sainsbury's Supermarkets Ltd  
Shnuggle Ltd  
Silentnight Group Ltd.  
Siren Furniture  
Steinhoff UK Bedding  
TEGEWA  
Tesco Stores Ltd  
Trendsetter Home Furnishings Limited  
Ultra Furniture Ltd (2 responses)  
Upholstery Supplies & Upholstery Training Centre  
Walker Greenbank PLC  
Wendy Shorter Interiors Ltd  
Westbridge Furniture Designs Ltd  
Wood Panel Industries Federation  
Wyvern Furniture  
Yotrio Group Ltd

**Test houses**

SATRA Technology  
UL

United Kingdom Textile Laboratory Forum

**Fire and Rescue Service**

Bedfordshire Fire and Rescue Service  
Cheshire Fire and Rescue Service  
Chief Fire Officers Association  
Chief Fire Officers Association's Fire Engineering  
and Technical Standards Group  
Fire Brigades Union  
Hampshire Fire and Rescue Service  
Kent Fire and Rescue Service

Lancashire Fire and Rescue Service  
London Fire Brigade  
North Wales Fire and Rescue Service  
Northumberland Fire and Rescue Service  
Scottish Fire and Rescue Service (two  
responses) South Wales Fire and Rescue Service  
West Sussex Fire and Rescue Service

**Trading standards**

Antrim and Newtownabbey Borough Council  
Association of Chief Trading Standards Officers  
(ACTSO)  
East of England Trading Standards Product  
Safety Group  
Environmental Health Northern Ireland  
Consumer Protection Subgroup

Hertfordshire County Council  
London Borough of Bexley  
London Trading Standards  
Norfolk Trading Standards Service  
North East Trading Standards Association  
Rhondda Cynon Taf Country Borough Council  
Trading Standards

**Charity or social enterprise**

Breast Cancer UK  
Cancer Prevention and Education Society  
CHEM Trust  
Fidra  
Fire Safety Platform

Green Science Policy Institute  
Richmond & Hambleton Furniture Store  
Royal Society for the Prevention of Accidents  
(RoSPA)  
Sustainability Network for Standardisation

**Others**

Academic  
Cabinet Maker Magazine  
Consultant (furniture fire safety expert)  
Consultant to furniture industry and test centres  
Individual

Northeastern University  
University of Toronto, Scarborough  
Individual upholsterer  
TFP Online limited

## Annex 2 - Overview of consultation responses

### Clarifying and amending the scope of the regulations

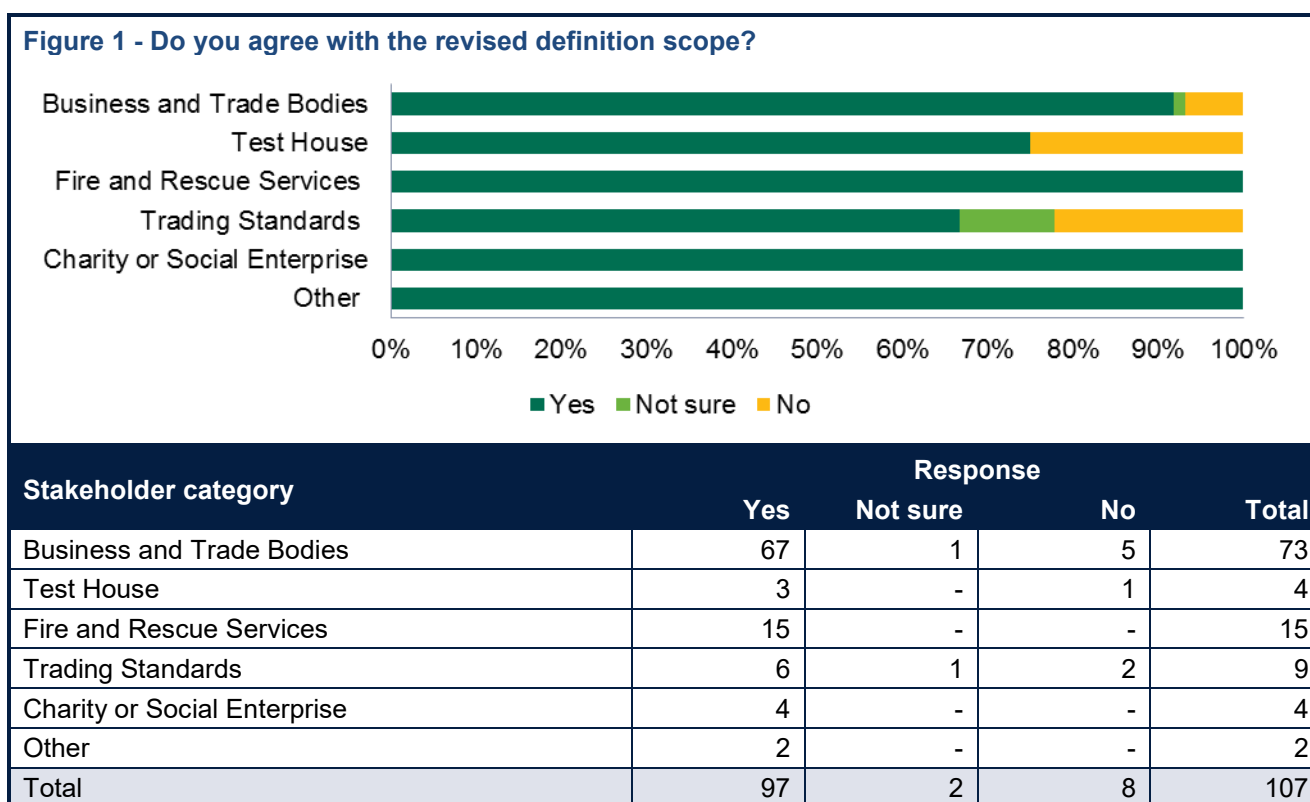
#### Definition of scope

##### What was proposed?

1. The scope of the FFRs is currently defined by means of a list of what is included and a list of exclusions. The proposal was to take a more generic approach and cover any item of domestic furniture ordinarily intended for private use in a dwelling and comprising a cover fabric and a filling, unless the item is specifically excluded.

##### What did stakeholders say?

2. There was strong support from across the different stakeholder groups for revising the definition – see the chart and table at **Figure 1** below. Those that commented said that this was on the basis that it gives greater clarity about the products that do not need to meet the requirements of the regulations.



- Stakeholders requested clarity on what is meant by ‘private use in a dwelling’ and what the position is for furniture in non-domestic settings and ‘low hazard contract’ settings such as buy to let, Air BnB and B&Bs. In terms of exclusions from scope, suggestions were made that all bedding, headboards and bedsteads, as well as trimmings and piping cord etc. should be on the list. In the case of a number of other products, it was considered that clarity is needed on whether they fall within scope or not. Examples include arm caps, pet beds, bean bags, motor homes and camper vans, wheel chairs and baby bouncer or swing seats. One business stakeholder suggested that the FFRs should refer to ‘cover material’ rather than ‘cover fabric’ as leather is not considered as a ‘fabric’.

### Sleeping bags and mattress protectors

#### What was proposed?

- In order to clarify the position on these products, the proposal was to explicitly exclude from scope sleeping bags and mattress protectors that can be put in a washing machine given that flame retardant chemicals are soon washed off.

#### What did stakeholders say?

- There was general support across the stakeholder groups for excluding these products – see the chart and table at **Figure 2** below.





6. Some stakeholders suggested that the exclusion should be extended to any product falling within the scope of the regulations that can be washed in a domestic washing machine, e.g. padded fabric covers used in reclined cradles or highchairs.
7. Stakeholders considered that clarity was needed as regards products 'that can be washed' given that any item can be washed by hand, or in a domestic or industrial washing machine. To ensure consistency in applying the exclusions, it was suggested that the capacity of the washing machine be specified and that the largest product in a range must be the one that fits into it.
8. Fire service stakeholders highlighted the potential for items like sleeping bags and mattress protectors to come into contact with charging devices and suggested that they would benefit from still requiring warning information and labelling to indicate that they should be kept away from fire and potential ignition sources.

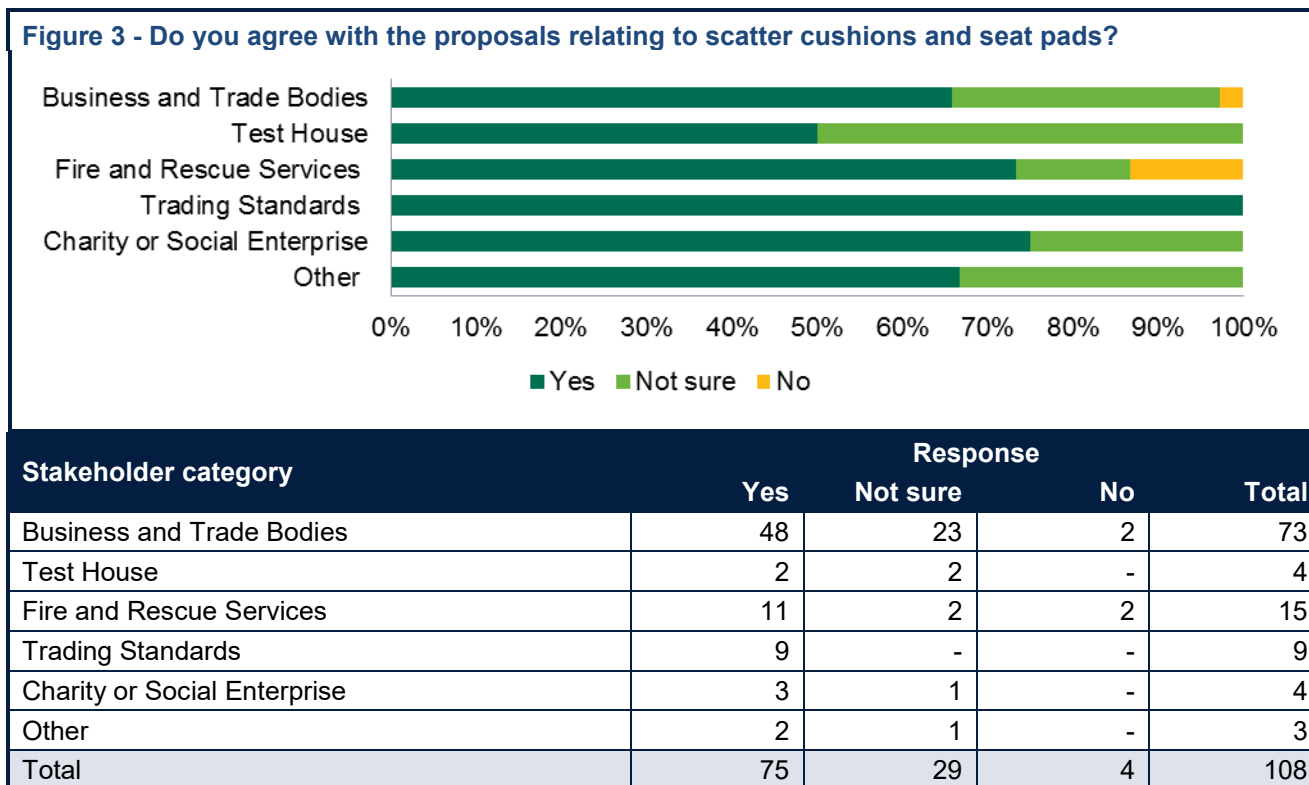
### Scatter cushions and seat pads

#### What was proposed?

9. The FFRs currently require that the fillings of scatter cushions and seat pads satisfy the relevant ignition tests but covers do not require testing. The proposal was to retain the exclusion for covers but provide clarity as to which products this applies by including definitions of scatter cushions and seat pads in the FFRs. These were based on commonly accepted dimensions: 60cm x 60cm x normal product thickness for 'scatter cushions'; and no bigger than 30cm x 30cm x 1cm thick for 'seat pads'.

#### What did stakeholders say?

10. Most respondents agreed in principle that these items should continue to be excluded from the cover test and should be specifically defined in the FFRs - see the chart and table at **Figure 3** below. Many suggested, however, that there should be a single set of dimensions covering these products with the most commonly proposed being 60cm x 60cm x nominal thickness (which should be less than 60 cm).
11. An alternative volume based approach was suggested by a small number of business stakeholders on the basis that it is the amount of combustible filling that determines the risk. Others argued this would be complicated as the filling may be compressed to varying degrees.
12. Additional clarity was requested on whether cushions supplied with an upholstered item must pass the cover test or not. Similarly, clarity was requested on whether seat pads in children's highchairs/seats should be excluded from the cover tests. Some fire service stakeholders highlighted these items can be involved in the development of fires and can come into contact with charging devices etc. and thought that provision of warning information and labelling would be of benefit.



## Outdoor furniture

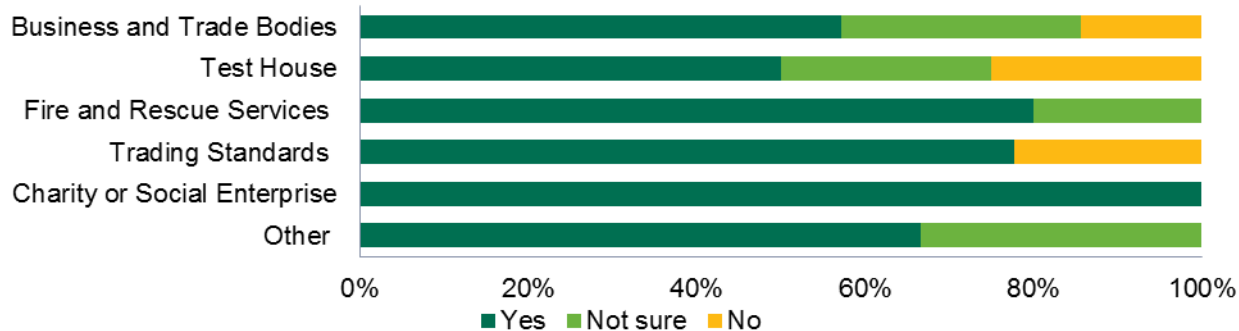
### What was proposed?

- Currently, there is inconsistency in the way outdoor furniture is dealt with under the FFRs. To provide clarity on the position, it was proposed that outdoor furniture be excluded if: (a) it is not suitable for use inside the home; and (b) it is clearly labelled to demonstrate that it is for outdoor use only as it does not comply with the Regulations.

### What did stakeholders say?

- The majority of stakeholders overall agreed in principle with the proposal - see the chart and table at **Figure 4** below. Stakeholders did, however, highlight a number of concerns. It was considered that the meaning of 'not suitable for use in a dwelling' is open to interpretation which may lead to inconsistency. Even if products are labelled 'for outdoor use only' or 'not suitable for use in a dwelling', it was felt that there may be a risk that they will be used indoors. It was also felt that there is a danger that items that could be used in a dwelling will be marked for 'outdoor use only' as a way of circumventing the regulatory requirements.
- There was a suggestion that the label be permanent so that if the item is sold as second-hand, it will be clear to the buyer that there is a danger of fire if the furniture is taken inside.

**Figure 4 - Do you agree that outdoor furniture unsuitable for use inside the home and clearly labelled as not complying with the Regulations should be out of scope?**



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	40	20	10	70
Test House	2	1	1	4
Fire and Rescue Services	12	3	-	15
Trading Standards	7	-	2	9
Charity or Social Enterprise	4	-	-	4
Other	2	1	-	3
<b>Total</b>	<b>67</b>	<b>25</b>	<b>13</b>	<b>105</b>

## Baby products

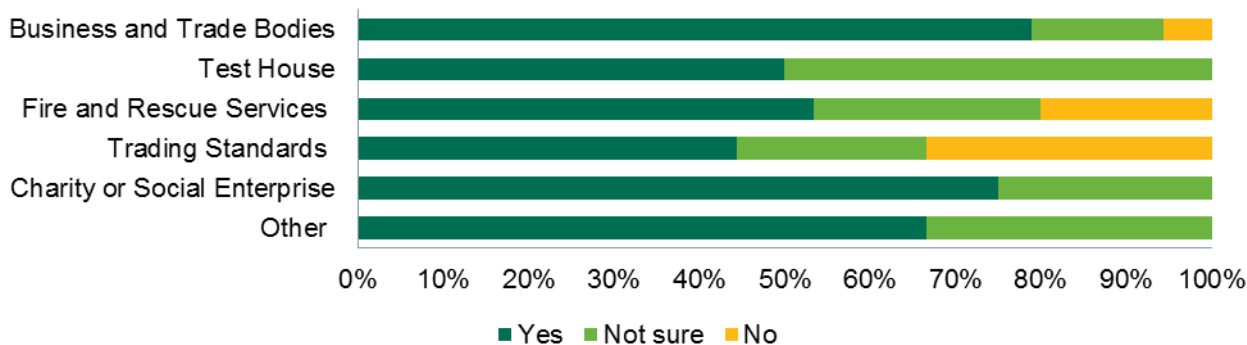
### What was proposed?

- The FFRs currently apply to a range of baby products but it is considered that many of these do not pose the same risks as upholstered furniture (and they are already covered by general product safety legislation). It was, therefore, proposed that childcare articles covered by BS EN1888 (wheeled child conveyances - pushchairs, prams, etc.) and BS EN1466 (carry cots and stands) be excluded from the scope of the FFRs. Childcare articles that have more in common with mattresses, for example padded playpens, would still be subject to filling tests. Other children’s furniture, such as highchairs, would continue to be within scope as a whole, subject to any other relevant exclusion.

### What did stakeholders say?

- Overall, there was general support for the proposals, particularly from businesses - see the chart and table at **Figure 5** below. Some stakeholders, however, particularly from the fire and rescue services, raised concerns. These related, in particular, to excluding carry-cots and moses baskets as young infants are often left unattended in these and they can be placed adjacent to heaters and combustible equipment or can have lights/monitors attached.

**Figure 5 - Do you agree that items covered by covered by BS EN1888 and BS EN1466 are removed from scope, with padded playpens treated in the same way as mattresses?**



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	56	11	4	71
Test House	2	2	-	4
Fire and Rescue Services	8	4	3	15
Trading Standards	4	2	3	9
Charity or Social Enterprise	3	1	-	4
Other	2	1	-	3
<b>Total</b>	<b>75</b>	<b>21</b>	<b>10</b>	<b>106</b>

18. Clarification was requested on whether the products are excluded *per se* or whether the exclusion relates only to the cover fabrics. Clarification was also requested on whether the mattresses in carry-cots and moses baskets are within scope or not, and on whether car seats are excluded. As regards padded playpens, which remain in scope, questions were raised about whether this applies only to the base of the playpen or to other padded areas such as upper rails.
19. Baby products businesses suggested the exclusion should be extended to products such as reclined cradles; cots, cribs, cradles, children’s beds, baby bouncers, swings, travel cots and similar articles; highchairs, infant swings, chair mounted seats, walkers, stationary activity centres, inclined sleep products, floor seats, etc.

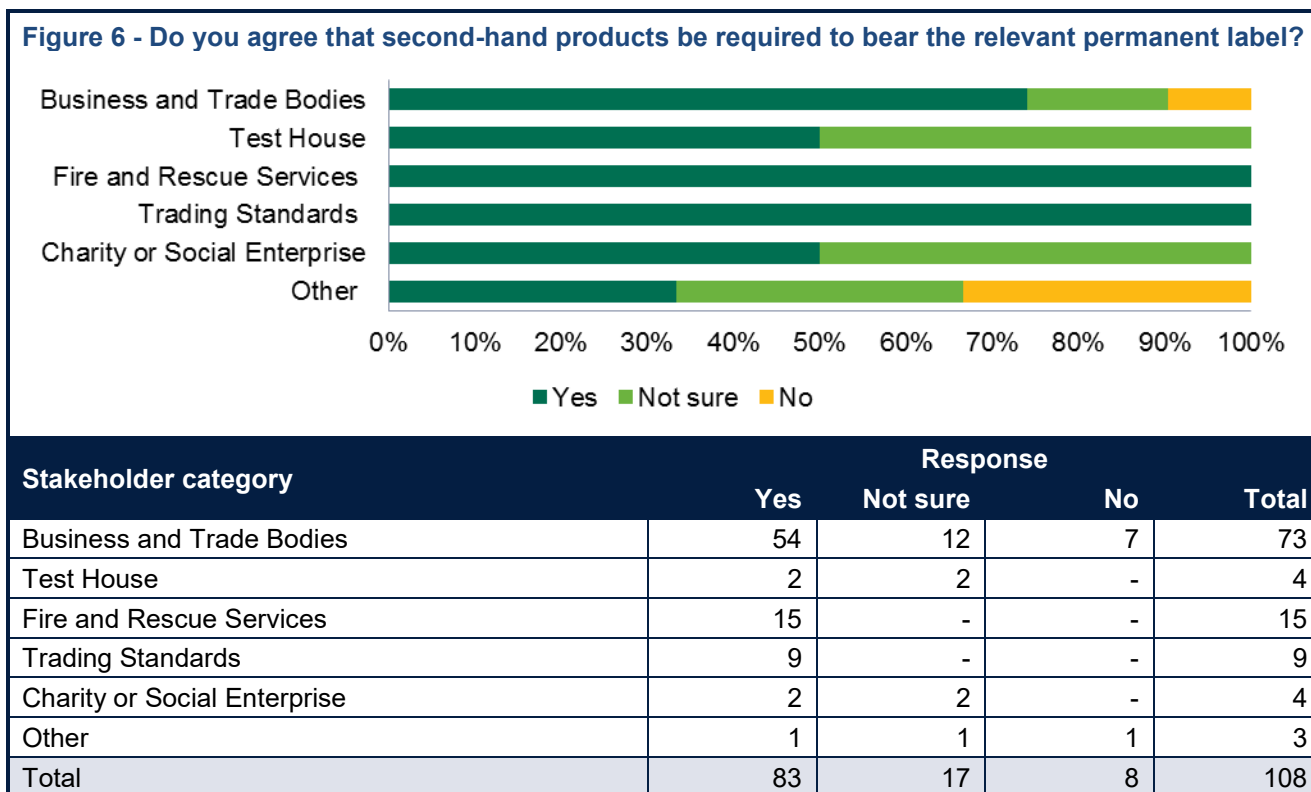
## Second-hand furniture

### What was proposed?

20. Second-hand furniture produced after 1950 is currently within scope of the FFRs and subject to the same requirements as new furniture. In practice, compliance is verified by ensuring second-hand furniture bears the original permanent label. The proposal is to affirm this practice in the revised FFRs. Furniture produced pre-1950 would continue to be exempt from the Regulations.

### What did stakeholders say?

21. Stakeholders generally supported a requirement for second-hand furniture to bear the relevant permanent label - see the chart and table at **Figure 6** below



22. To ensure labels are not removed, stakeholders suggested that the required wording include ‘this product cannot be resold if the label has been removed’. They also suggested that there should be a requirement for the label to be attached in an inconspicuous place that the consumer does not see in normal use and removes as it is unsightly.

23. A key concern raised by business stakeholders related to re-upholstered items as the original labels are removed during the re-upholstery process. It was considered that if this is not recognised, the requirement could potentially destroy this sector. There was also concern that the requirement will lead to more second-hand furniture ending up in landfill.

24. There were questions about exempting furniture that already complies with the current regulations and a request for the existing exemption for second-hand caravans to be maintained.

## Revising the testing regime

### Introduction

25. Following the feedback on the 2014 consultation on the testing regime further work was undertaken. Initially this was through a set of questions which the British Standards Institution agreed to consider and through a Technical Panel. This allowed us to develop further the original proposals.

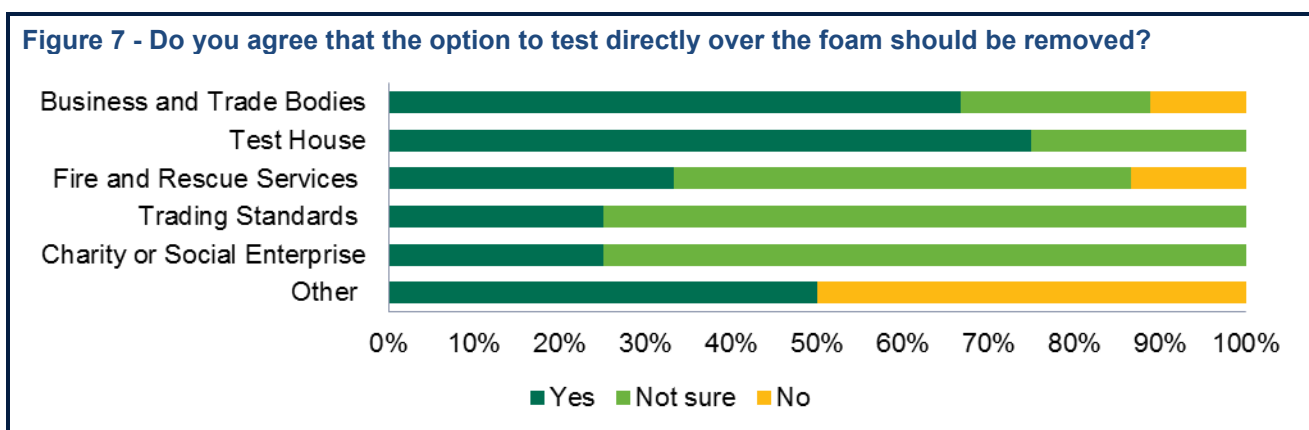
### Test foam for match test – single test structure

#### What was proposed?

26. It was proposed that the match test for all covers should be conducted over a single test structure comprising combustion-modified foam and fibre wrap. This was different from the proposal consulted on in 2014 where there was an option to test directly over the foam.

#### What did stakeholders say?

27. Stakeholders' views were mixed - see the chart and table at **Figure 7** below. The comments made indicated that those that agreed did so principally on the basis that this simplified the testing regime using the option that best represents modern furniture production. For those who were not sure or disagreed, the key concerns were: the lack of evidence that the proposals will meet the stated objectives; the fact that there are still products on the market that do not use a fibre wrap; issues related to the methodology; increased testing costs; and greater use of flame retardants to ensure compliance.



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	48	16	8	72
Test House	3	1	-	4
Fire and Rescue Services	5	8	2	15
Trading Standards	1	3	-	4
Charity or Social Enterprise	1	3	-	4
Other	1	-	1	2
<b>Total</b>	<b>59</b>	<b>31</b>	<b>11</b>	<b>101</b>

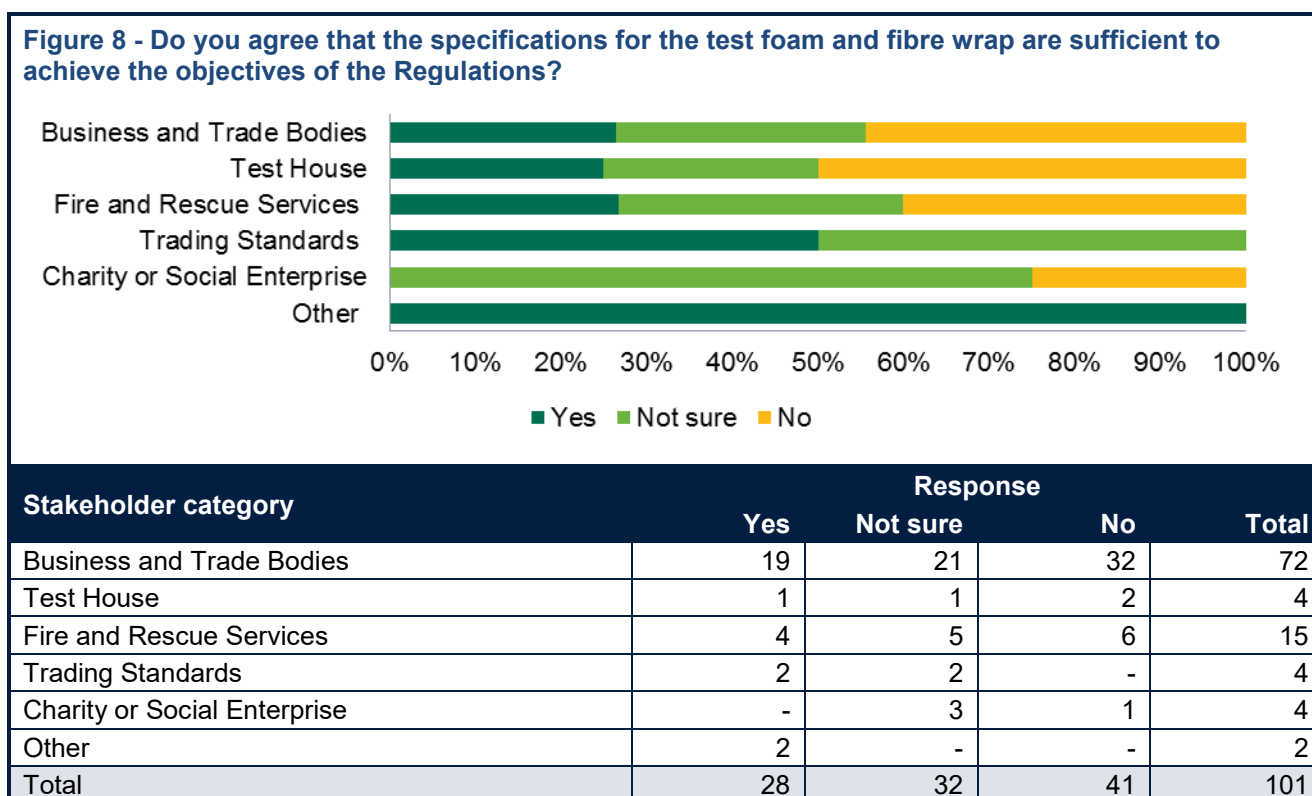
### Match test – specifications for test foam and fibre wrap

#### What was proposed?

28. Proposed specifications for the test foam and fibre wrap to be used in the match test were included in the draft revised regulations. Stakeholders were asked if these specifications were sufficient to achieve the objectives of the Regulations.

#### What did stakeholders say?

29. The majority of respondents that answered this question were either unsure or disagreed that the specifications were sufficient - see the chart and table at **Figure 8** below. There were objections in principle to the move away from the current tests based on non-combustion modified foam as this represents the worst case scenario and, therefore, provides better reassurance of fire safety.



30. Many considered there was a lack of evidence that proposals will meet the stated objectives of maintaining fire safety, reducing flame retardant use and allowing innovation. Reference was made to British Standards Institution concerns and to issues raised by the Technical Panel in its discussions in early 2016 that remained unresolved. There were concerns about the potential for inconsistency between laboratories, the potential for businesses to pick test houses on the basis of where products are most likely to pass, and the resulting challenges for enforcing the requirements.
31. Most considered the specification for the fibre wrap was insufficient and some raised questions about the commercial availability of the specified foam.

### Protective covers and definition of protectiveness

#### What was proposed?

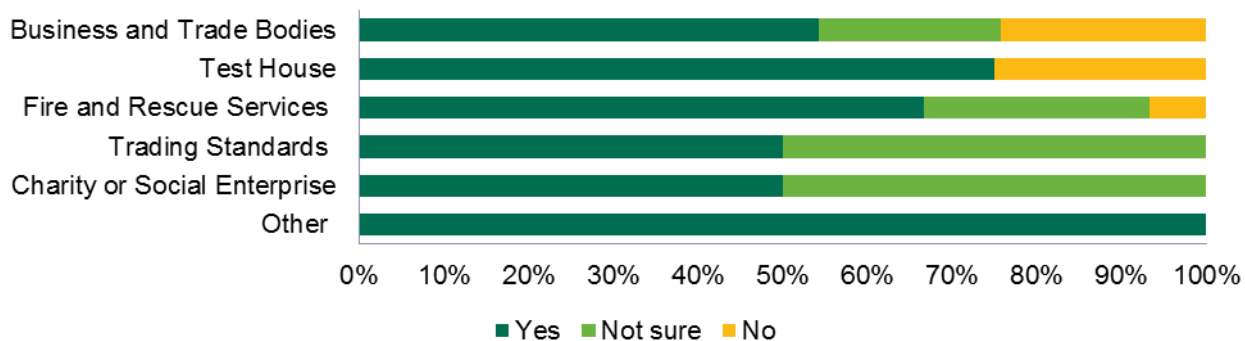
32. It was proposed that one route to meet the requirements would be to use a 'protective' cover. This is a cover that, when tested using the revised match test (either on its own or in combination with any liner or non-flame retardant treated fire barrier that will be in the final product), does not form a visible hole more than 2mm in diameter.

#### What did stakeholders say?

33. A small majority of those that answered agreed that protective covers may be used as a route to compliance but views on the definition of protectiveness were mixed - see the charts and tables at **Figure 9** and **Figure 10** below.
34. With regard to the comments made (mainly by businesses, test houses and fire service stakeholders) these were generally negative. The key concerns were that:
  - there is no evidence that the current tests are failing to protect the public;
  - the Technical Panel that provided advice prior to the consultation did not support the definition and considered it unworkable, and no technical rationale has been presented to support it;
  - the 2 mm diameter hole will be difficult to measure, there is no tolerance, many fabrics that pass the existing test will have holes of greater diameter and when the flame is applied they split in a line so there will be a lot of variation in results;
  - the test regime will lead to inconsistencies in results between test houses,
  - testing five times (10 applications of the flame) will increase costs;
  - the approach may lead to an increased use of fire retardants to ensure compliance.

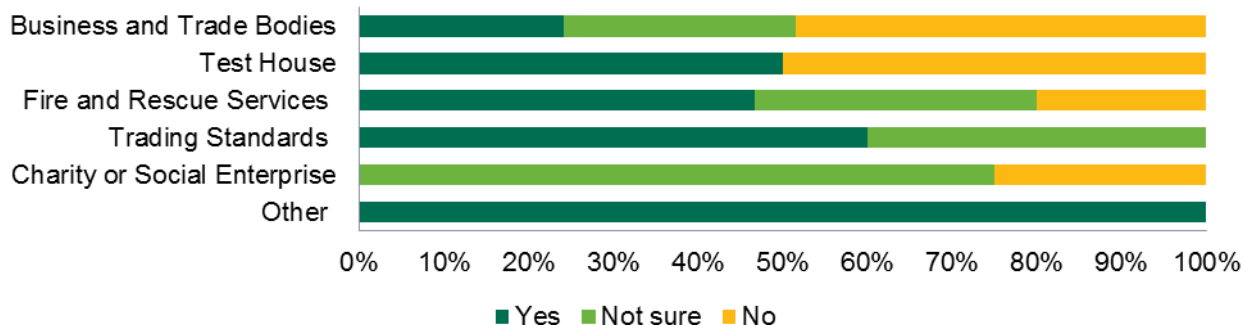


**Figure 9 - Do you agree that the regulations should provide a protective cover option?**



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	38	15	17	70
Test House	3	-	1	4
Fire and Rescue Services	10	4	1	15
Trading Standards	2	2	-	4
Charity or Social Enterprise	2	2	-	4
Other	2	-	-	2
<b>Total</b>	<b>57</b>	<b>23</b>	<b>19</b>	<b>99</b>

**Figure 10 - Do you agree with the proposed definition of protectiveness?**



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	16	18	32	66
Test House	2	-	2	4
Fire and Rescue Services	7	5	3	15
Trading Standards	3	2	-	5
Charity or Social Enterprise	-	3	1	4
Other	2	-	-	2
<b>Total</b>	<b>30</b>	<b>28</b>	<b>38</b>	<b>96</b>

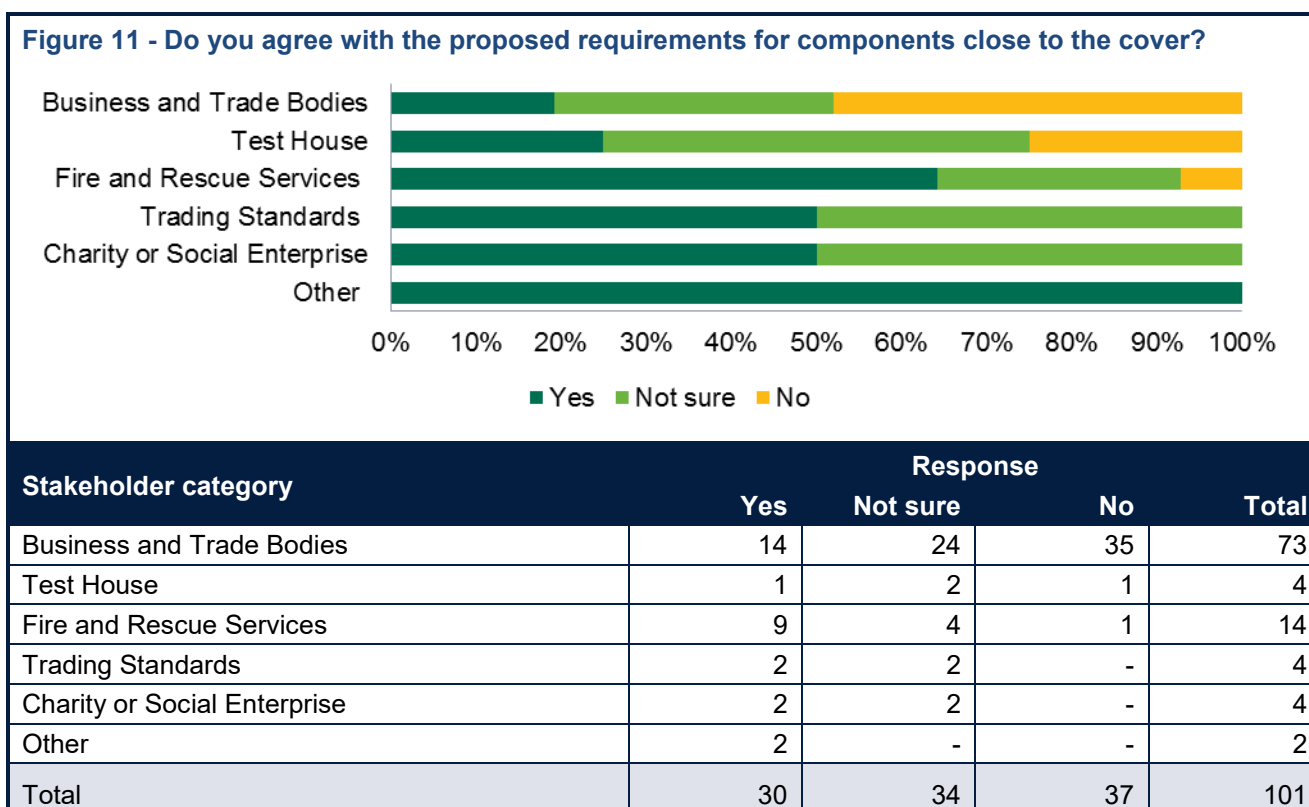
## Components close to the surface

### What was proposed?

35. It was proposed that if neither a protective cover, nor a Schedule 3 interliner, is used in the final product, then all components close the cover must pass a revised match test for components. This includes any lining materials not already tested in combination with the cover. Schedule 3 interliners can continue to be used as a means to comply and where used, components close to the cover do not need to pass the revised match test.

### What did stakeholders say?

36. The majority of those answering were either unsure about this proposal or disagreed with it - see the chart and table at **Figure 11** below



37. Concerns were expressed about the lack of evidence that such components are causing problems in terms of ignition. It was considered that there was a lack of clarity on which particular components would need to be included and which would be exempt. There were also concerns that there would be no exclusion list, as had previously been proposed, for components such as zip fasteners and velcro.

38. It was considered that the test was not well defined and does not explain how small or shaped components should be tested which could lead to inconsistency between test houses etc. As with the protective cover route, it was considered that this

requirement would result in significant cost increases for testing components and in increased use of flame retardants.

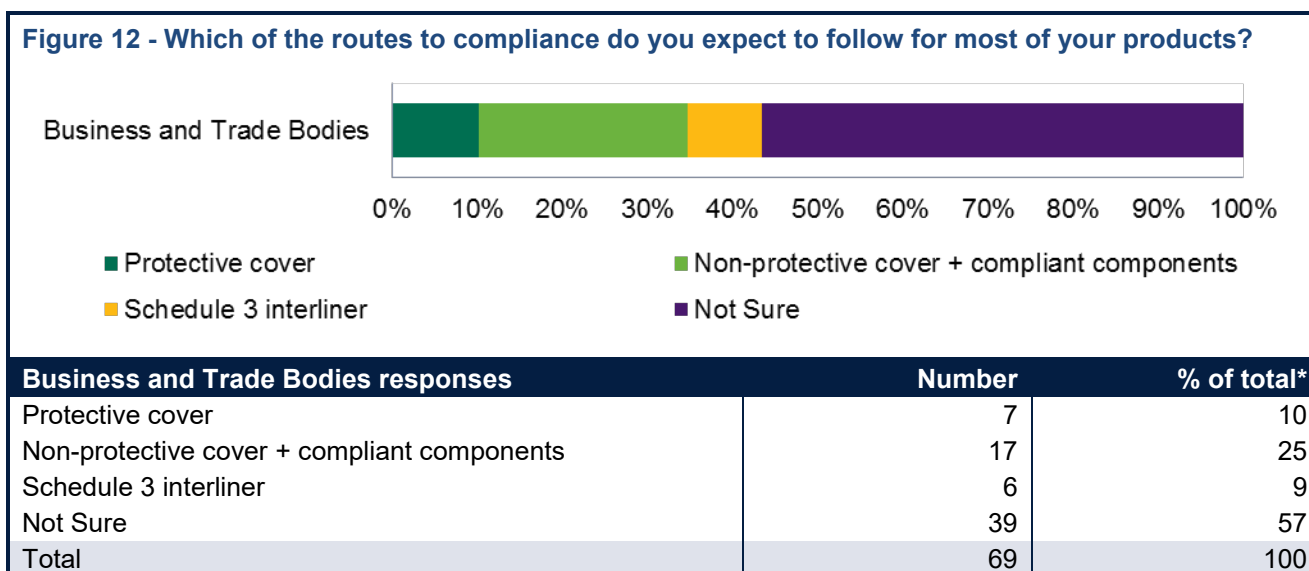
## Routes to compliance

### What did we ask?

39. We asked businesses which of the routes to compliance they expected to follow for most of their products.

### What did stakeholders say?

40. Most businesses were not sure – see chart and table at **Figure 12**. The comments made by businesses highlighted that it was likely that different routes would be appropriate for different products. Their comments also indicated that, in essence, they considered that all routes add complexity and could potentially increase costs.



\* Figures have been rounded.

## Cigarette test

### What was proposed?

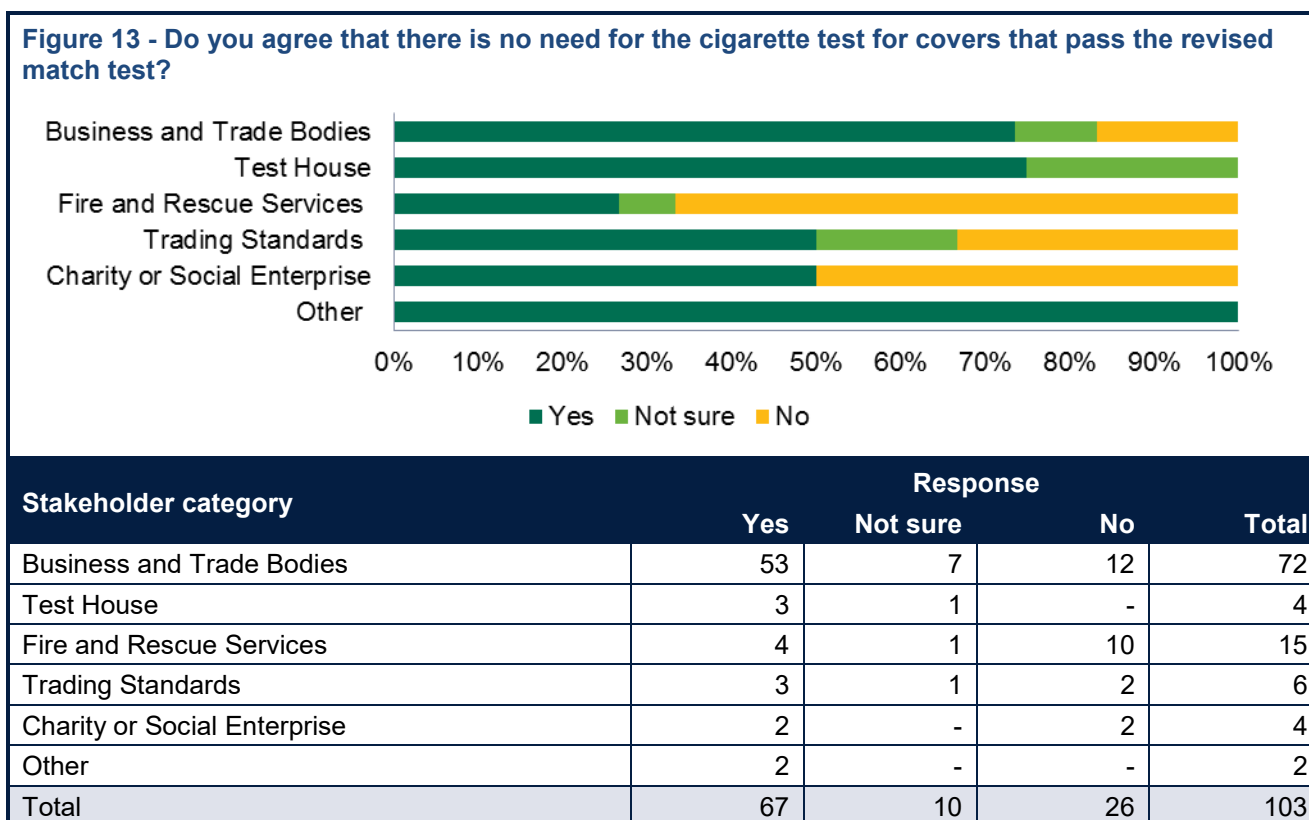
41. It was proposed that there would be no requirement to undertake the cigarette test for covers where they pass the revised match test.

### What did stakeholders say?

42. The majority of businesses responding to this question agreed with the proposal on the basis of the rationale set out in the consultation document – see chart and table at **Figure 13**. Fire service stakeholders that responded, however, were generally opposed to removing the cigarette test. They had a number of concerns and some

businesses shared these. They considered that a 1% failure rate was too great a risk to take. They questioned the robustness of the data used as the basis of the proposal particularly given that the data was for covers passing the existing match test rather than the proposed revised test which anticipates reduced levels of flame retardants being used.

43. Charities and social enterprises suggested an alternative approach: the removal of the requirement for a match test and the introduction of a cigarette (smoulder) test modelled on that used in California. They consider that using a smoulder test instead of a match test not only has the potential to reduce the number of fire deaths resulting from the inhalation of toxic gases and fumes but also prevents the unnecessary exposure of the entire UK population to proven and potentially harmful chemicals.
44. If the proposal is implemented stakeholders felt that a number of practical issues will need to be considered such as difficulties in obtaining the required cigarettes.



## Impact on use of flame retardants in covers and overall

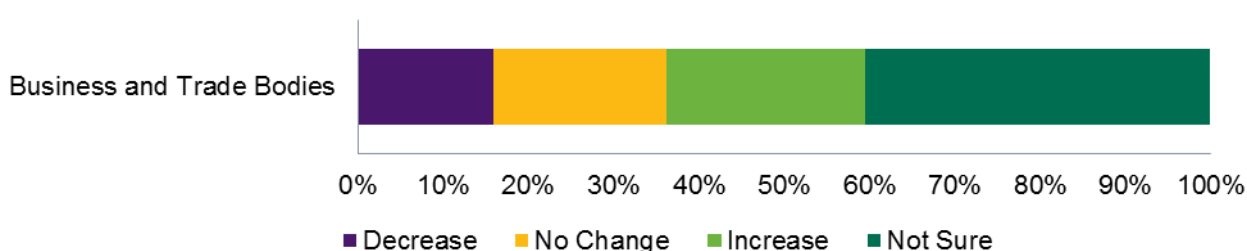
### What did we ask?

45. We asked businesses what they expected the impact of the testing proposals to be on their use of (a) flame retardants in covers and (b) their overall use of flame retardants.

### What did stakeholders say?

46. Most businesses that responded were either unsure or considered that use of flame retardant chemicals would increase both in covers and overall – see the charts and tables at **Figure 14** and **Figure 15**. The comments that were received highlighted the difficulties in predicting the impact but many considered that the new tests, whatever route to compliance is used, will result in more flame retardants being applied.
47. One company highlighted that it is trying to move entirely away from the use of chemical flame retardants but more research and development is needed.

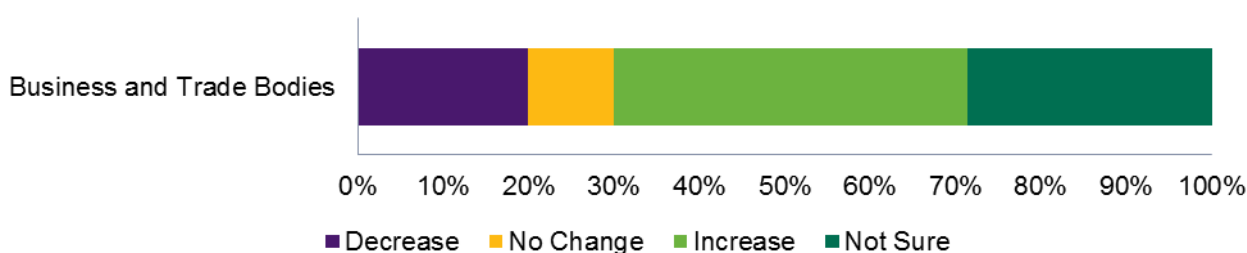
**Figure 14 - What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?**



Business and Trade Bodies responses	Number	% of total*
Decrease	11	16
No change	14	20
Increase	16	23
Not Sure	28	41
Total	69	100

\* Figures have been rounded.

**Figure 15 - What do you expect the impact of the testing proposals to be on your overall use of flame retardants?**



Business and Trade Bodies responses	Number	% of total*
Decrease	14	20
No change	7	10
Increase	29	41
Not Sure	20	29
Total	70	100

\* Figures have been rounded.

## Improving traceability and labelling of products

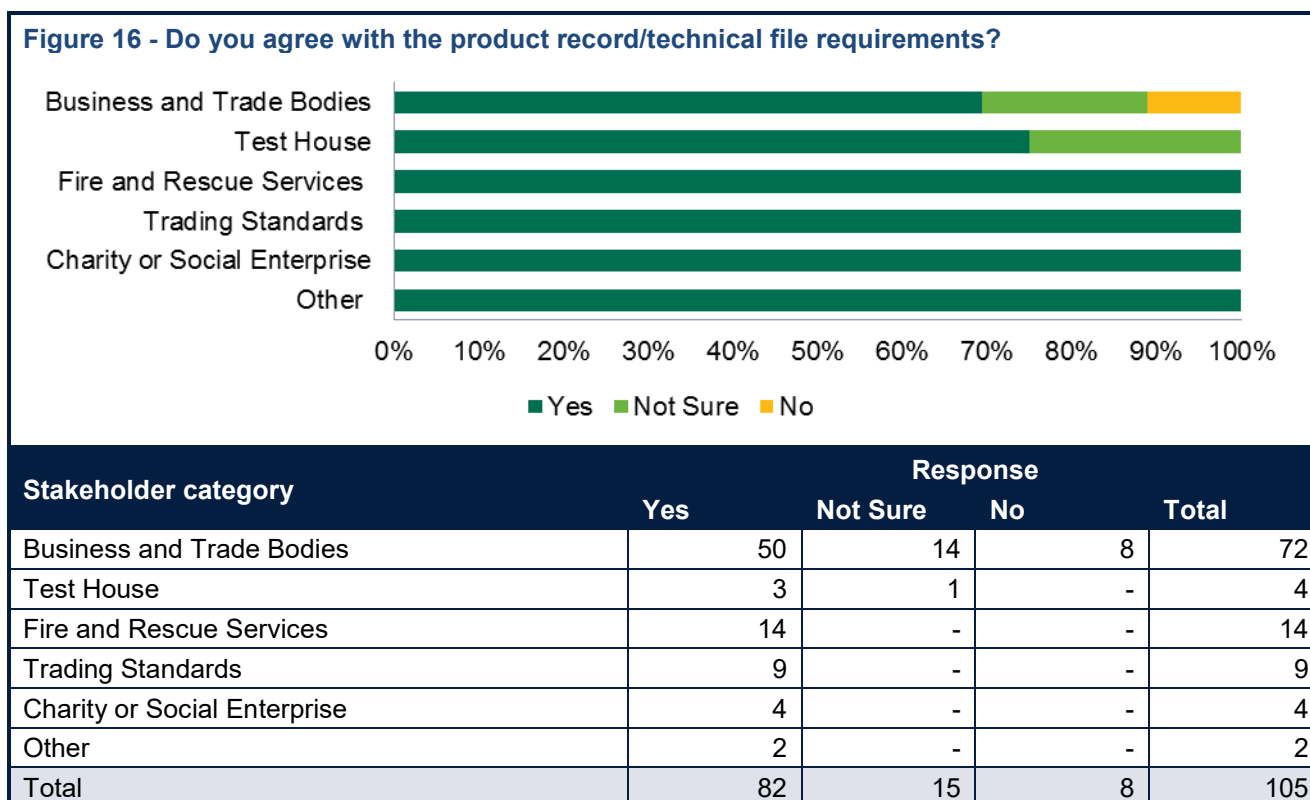
### Traceability

#### What was proposed?

48. It was proposed that manufacturers and importers (where applicable) must keep records - technical files - to show how the product meets the requirements and to facilitate enforcement. This brings requirements in line with other sectors.

#### What did stakeholders say?

49. There was strong support for the requirement for a technical file from those that answered this question – see chart and table at **Figure 16**. Those that commented said this was on the basis that this reflects existing good practice within the sector. They thought that the requirements will help ensure consumer safety and will enable enforcement officers to more easily trace a non-compliant product back to its place of manufacture. Some felt that more clarity is needed on the details to be recorded, on what *‘for 10 years dating from when the product is first placed on the market’* means, and on the term ‘manufacturer’ in the case of branded products. There were suggestions that any flame retardants used should be listed.
50. There was, nonetheless, concern about the additional burden on small and medium sized enterprises and about potential difficulties for re-upholstery businesses with suggestions made that be excluded from this requirement.



## Product labels

### What was proposed?

51. It was proposed that manufacturers must ensure that each item of furniture carries a permanent label, and that others in the supply chain must ensure that the permanent label is present. The label should provide the minimum information needed to ensure traceability of the product and give an indication of whether flame retardants have been used. It was also proposed that there will no longer be a requirement for (non-permanent) display labels for all products.

### What did stakeholders say?

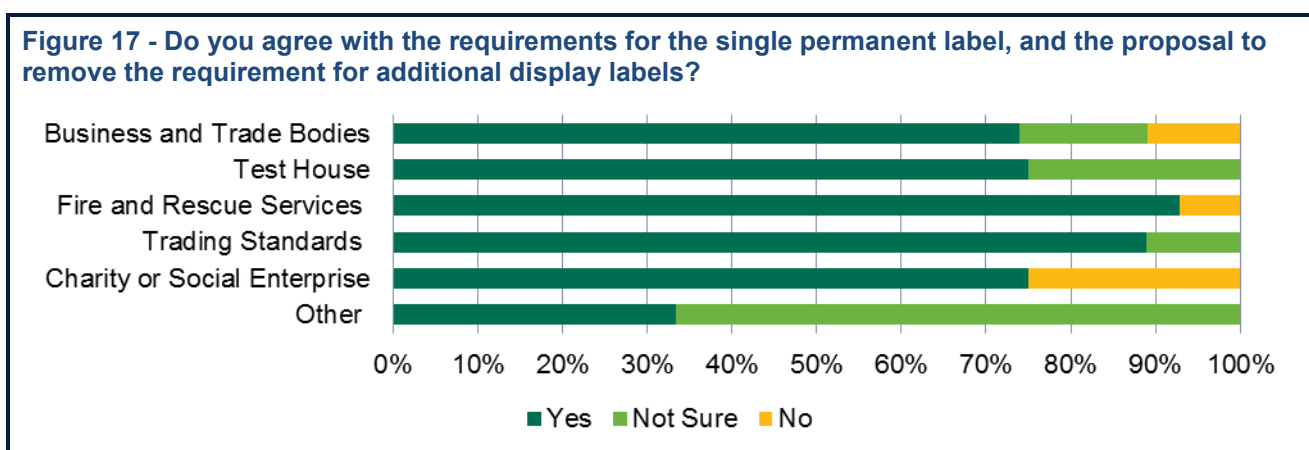
52. Among those that answered there was strong support for having a single permanent label and removing the requirement for additional display labels – see chart and table at **Figure 17**.

53. Stakeholders suggested that the term ‘manufacturer’ needs to be better defined and could perhaps be ‘any person putting their name, logo or own branding on a product’. It was felt that there should be a single template for the label and that the importance of retaining the permanent label for second-hand products should be stressed.

54. As regards information on flame retardants, some suggested that the label should have information about those used not just for the cover but also for interliners and fillings and that the specific chemicals used should be listed.

55. Those involved in re-upholstery and bespoke furniture making had concerns about having the necessary information to comply with the labelling requirement.

56. Some stakeholders took a different view as regards the display labels and considered this requirement should be maintained to provide consumers with information at the point of choice, including information on the presence and type of flame retardants used.



Stakeholder category	Response			Total
	Yes	Not Sure	No	
Business and Trade Bodies	54	11	8	73
Test House	3	1	-	4
Fire and Rescue Services	13	-	1	14
Trading Standards	8	1	-	9
Charity or Social Enterprise	3	-	1	4
Other	1	2	-	3
<b>Total</b>	<b>82</b>	<b>15</b>	<b>10</b>	<b>107</b>

### Information for consumers

#### What did we ask?

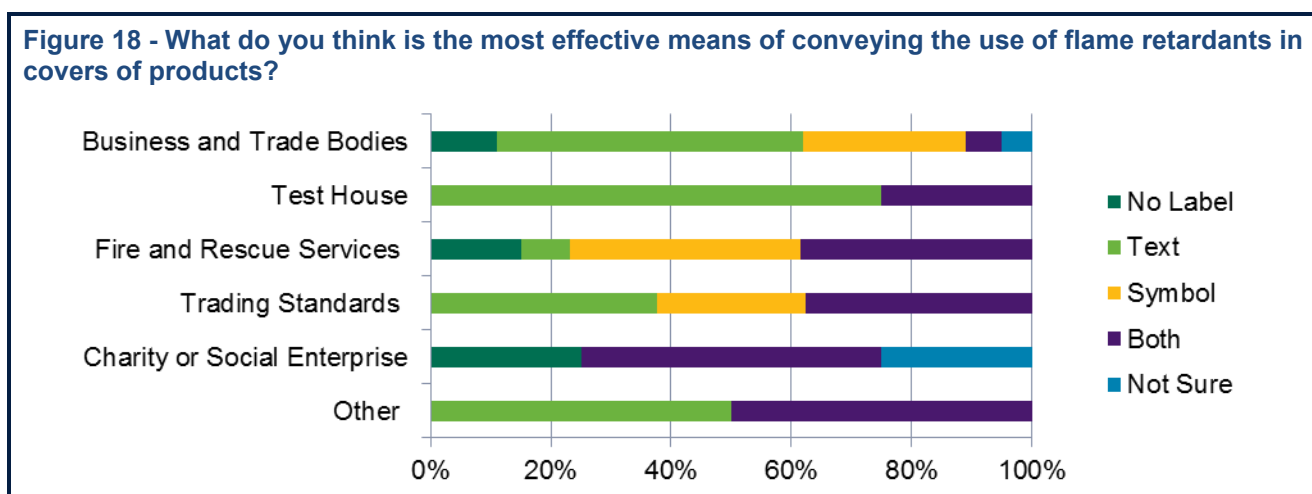
57. Stakeholders were asked what they thought would be is the most effective means of conveying to consumers where flame retardants have been used e.g. text or symbol.

#### What did stakeholders say?

58. There were mixed views across all responses and within different stakeholder groups on what would be most appropriate – see chart and table at **Figure 18**.

59. It was highlighted that text can present language barriers but if symbols are used, these would need to be internationally recognised and accepted. It was suggested that consumer research is needed to see what they would find easiest to understand and use.

60. Some stakeholders thought that the chemical names/details should be in the technical file not on the label and putting information on the label would alarm consumers.





Stakeholder category	Response					Total
	No Label	Text	Symbol	Both	Not Sure	
Business and Trade Bodies	7	32	17	4	3	63
Test House	-	3	-	1	-	4
Fire and Rescue Services	2	1	5	5	-	13
Trading Standards	-	3	2	3	-	8
Charity or Social Enterprise	1	-	-	2	1	4
Other	-	1	-	1	-	2
Total	10	40	24	16	4	94

## Other proposals

### Instituting legal proceedings

#### What was proposed?

61. It was proposed that the period for instituting legal proceedings be extended from six to 12 months.

#### What did stakeholders say?

62. Trading standards services welcomed the proposal.

### Transition period and review period

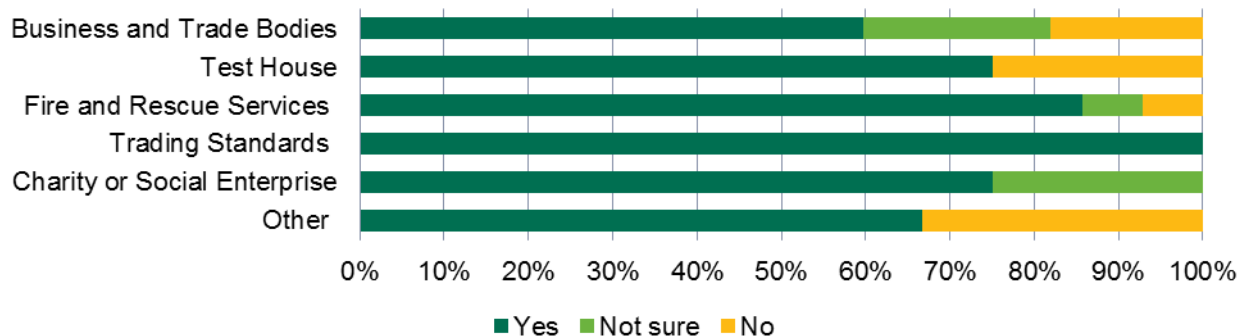
#### What was proposed?

63. It was proposed that there should be a transition period of 24 months to allow businesses to implement the necessary changes. It was also proposed that the Regulations should be reviewed within five years to ensure they remain fit for purpose, and can be revised and updated as necessary.

#### What did stakeholders say?

64. There was strong support for the time periods proposed among those that answered this question - see chart and table at **Figure 19**. Some business stakeholders, however, argued that 36 months or more would be more appropriate as a transition period. Some considered that the review of the regulations should be sooner as evidence of the effectiveness of the new testing will be available more quickly.

**Figure 19 - Do you agree that a 24 month transition period is sufficient, and that the changes should be reviewed in five years?**



Stakeholder category	Response			Total
	Yes	Not sure	No	
Business and Trade Bodies	43	16	13	72
Test House	3	-	1	4
Fire and Rescue Services	12	1	1	14
Trading Standards	8	-	-	8
Charity or Social Enterprise	3	1	-	4
Other	2	-	1	3
<b>Total</b>	<b>71</b>	<b>18</b>	<b>16</b>	<b>105</b>

## Compromise proposals

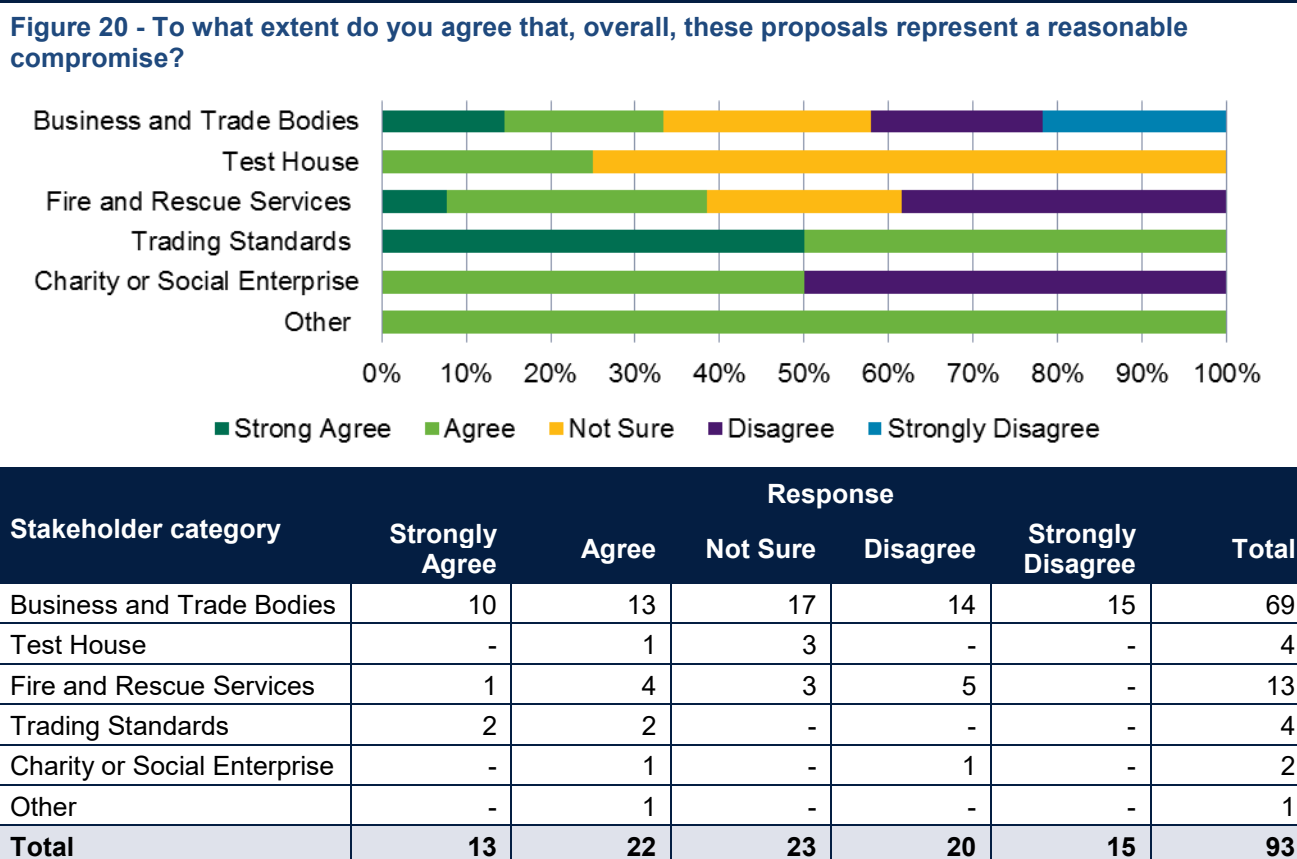
### What did we ask?

65. We asked stakeholders to what extent they agree that, overall, the proposals represent a reasonable compromise – bearing in mind the information in the consultation document, feedback on the previous (2014) consultation, and other stakeholder input during the review.

### What did stakeholders say?

66. Responses were mixed with approximately 38% of those answering this question being positive (strongly agreeing or agreeing) about the compromise while approximately 38% were negative (strongly disagreeing or disagreeing) – see chart and table at **Figure 20**.

67. As regard businesses, the baby products sector was generally content given the exemption of certain products. The other business sectors, however, have significant issues around the revised testing regime and potentially increased costs as a result. They do not consider that the proposals fulfil the policy aims of reducing burden/costs for business and of reducing the use of flame retardants while maintaining fire safety. Many suggest that there is no evidence clearly demonstrating improvement in safety and some consider that safety will be compromised or weakened. It was also highlighted that the proposals are still misaligned to the EU regulations.



## Other comments

68. Stakeholders were invited to provide any other comments that they had on the proposals. The key points made were as follows:

- concerns about the delays to making changes and criticism of BEIS handling;
- concerns about the lack of evidence underpinning the proposed changes, particularly as the regulations have worked well previously;
- concerns that the proposed changes will not meet the stated aims but rather increase costs for businesses, increase use of FRs and compromise fire safety;
- the need to have a balanced risk assessment taking into account long-term environmental and human health risks of flame retardant exposure;
- concern that continuing with ‘more severe’ tests in UK law is disproportionate given the level of risk from open flame ignition sources and the uneven distribution of fire risk across the UK population (smokers are most at risk);
- concern that the main focus is reducing flame retardant use rather than fire safety;
- suggestions/concerns about the proposed revised testing regime;
- the need to use British Standards Institution for expert and objective advice;
- the need to update the cigarette test; and
- differences/errors in the draft regulations.

## Impact on business

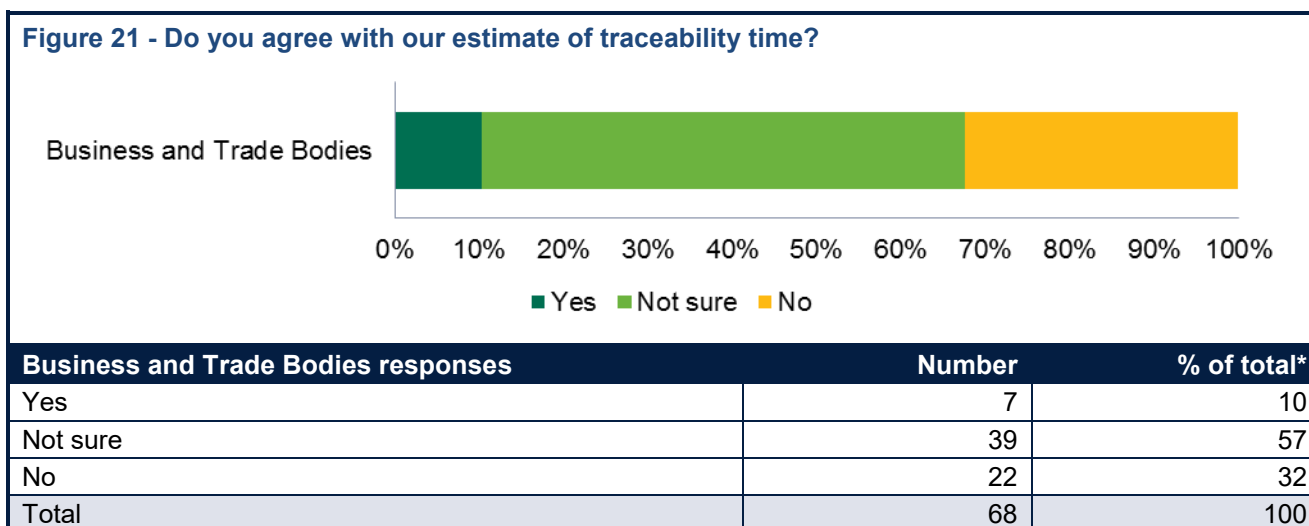
### Traceability

#### What did we ask?

69. We asked if stakeholders agreed with our estimate that for the proposed traceability requirements there would be a one-off input of 16 hours per company and on-going per year time of 48 hours per company.

#### What did stakeholders say?

70. Of the 68 business/business trade bodies responding on traceability time, only seven agreed with our estimate. A large majority were unsure (39) or disagreed (22) – see **Figure 21**. A number commented that having to deal with multiple models and fabrics will mean that the work involved would take much longer and would require extra staff with associated additional costs.



\* Figures have been rounded.

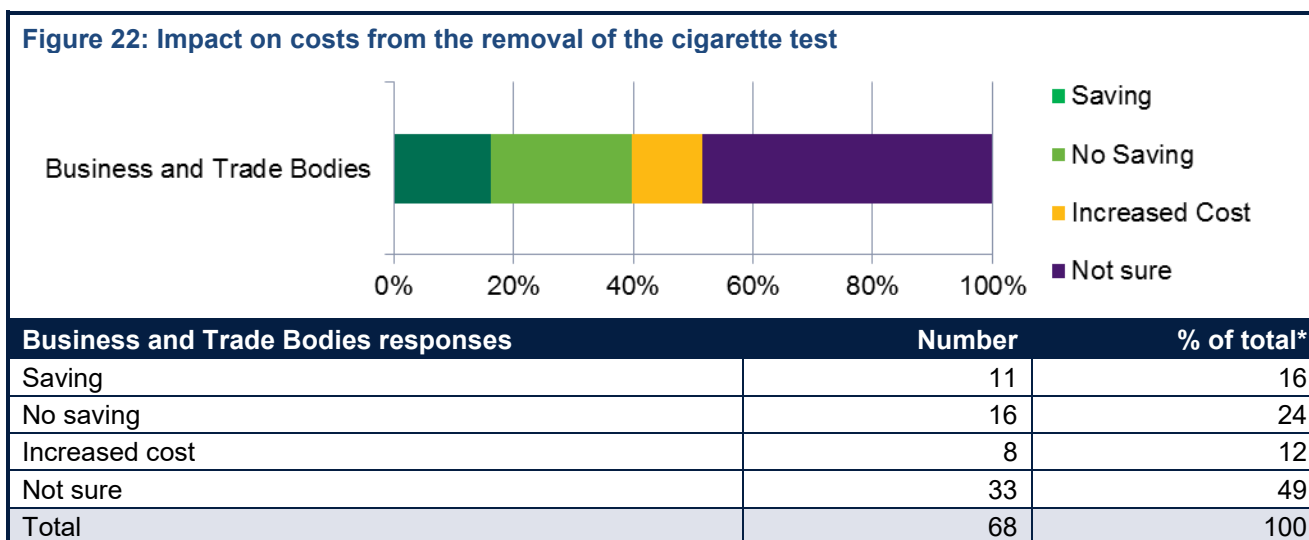
### Costs and savings

#### What did we ask?

71. We asked businesses to estimate how much they would save per year from the removal of the cigarette test and how much they would save per year from reduced use of flame retardants. We also asked them to identify any other costs or benefits.

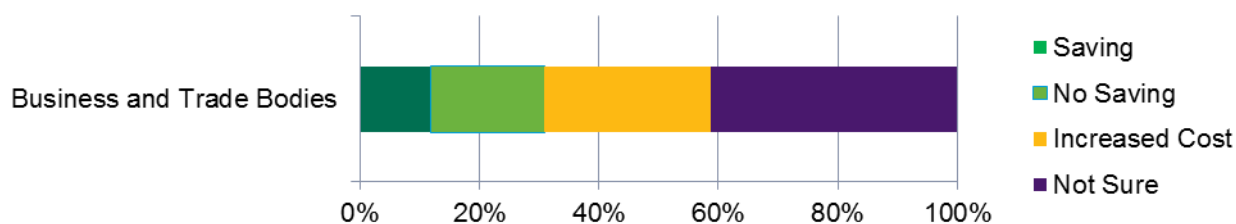
### What did stakeholders say?

72. As regards savings from the removal of the cigarette test, a majority of businesses responding on this question considered that either there would be no savings or costs would increase – see **Figure 22**. The principle reason was that any potential savings on the cigarette test would be offset against additional costs resulting from complying with the revised match test.
73. The majority of business stakeholders that answered in relation to savings on use of flame retardants were unsure of the impact of the proposals their costs – see **Figure 23**. They considered that given a lack of evidence, it is difficult to predict. Rather than making savings, the comments received indicated that the use of flame retardants will increase thereby increasing costs also.
74. A number of baby product manufactures indicated that they may make savings as fewer products would be within scope of the regulations given the proposed exemptions. The Baby Products Association estimated these savings to be worth £50 million plus.
75. In commenting on these questions, fire service stakeholders consider the focus should be on saving lives and not money. They cautioned that, even if there are savings from testing, there could be greater costs if fires, deaths and injuries increase as a result of implementing the proposals.



\* Figures have been rounded.

**Figure 23: Impact on business costs from reduced use of flame retardants?**



Business and Trade Bodies responses	Number	% of total*
Saving	8	12
No saving	13	19
Increased cost	19	28
Not sure	28	41
<b>Total</b>	<b>68</b>	<b>100</b>

\* Figures have been rounded.

76. Rather than other savings or additional benefits, stakeholders mainly highlighted further costs. Businesses in particular, highlighted additional costs for testing, for increased levels of flame retardants, for creating and maintaining technical files, and familiarisation with the new requirements.
77. Some stakeholders considered that the proposals reinforced potential barriers to trade for European producers.
78. Baby products businesses identified the additional benefit that excluding certain products will mean they no longer have to have different lines for Europe where there were more concerns about use of FFRs.

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