

Environmental Audit Committee

Oral evidence: Toxic Chemicals, HC 1805

Tuesday 14 May 2019

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Members present: Mary Creagh (Chair); Geraint Davies; Mr Philip Dunne; Ruth Jones; Caroline Lucas; Kerry McCarthy; Anna McMorrin; John Mc Nally.

Questions 264 - 449

Witnesses

I: Daniel Kingdon, Director, Compliance and Safety, EMEA, Amazon, Gemma Brierley, Sustainability Director, Offer and Supply Chain, Kingfisher PLC, and Therese Lilliebladh, Product Requirements Manager, IKEA of Sweden.

II: Jonathan Hindle, Chairman, British Furniture Confederation, Kasturirangan Kannah, Product Advocacy Manager, Lanxess UK, Suzie Radcliffe-Hart, Technical Manager, FIRA International, and Roy Weghorst, Head of Regulatory Affairs, Kingspan Group.

Written evidence from witnesses:

- [British Furniture Confederation - written evidence](#) | [PDF version](#) ( )
- [Lanxess Solutions UK Ltd - written evidence](#) | [PDF version](#) ( )

Examination of witnesses

Witnesses: Daniel Kingdon, Gemma Brierley, and Therese Lilliebladh.

Q264 **Chair:** I welcome our guests, witnesses and visitors today. This is our third evidence session in the Committee's inquiry into the impact of toxic chemicals in everyday life. We have two panels with us today. We have some retailers to begin with and then various representatives of the building material and furniture industry in the second panel. I welcome our witnesses. Please state your names and titles, starting from my left with Therese.

Therese Lilliebladh: Hi, everyone. I am Therese Lilliebladh and I work as the Product Requirements Manager for Chemicals within IKEA Range & Supply, IKEA of Sweden. We develop the whole IKEA product range and we also plan and steer the supply of it.

Daniel Kingdon: Good morning. I am Daniel Kingdon. I am the Director for Compliance for Amazon in Europe and the Middle East. Compliance is quite a broad term. The key functions that I lead relate to product safety and compliance, food safety and the restrictions of illegal products on our websites.

Gemma Brierley: Good morning. I am Gemma Brierley. I work for Kingfisher as the Sustainability Director in part of the global function called Offer and Sourcing, which is a centralising function responsible for product design, product development and product sourcing. My assignment is embedding sustainability into everything we do.

Q265 **Chair:** This inquiry takes place on the day that a jury in California has awarded \$2 billion in damages against biochemicals for the Roundup issue, and there is a whole host of outstanding claims there. Mind the Store, which is a US citizens awareness and safety website, has argued that consumers "expect the products on the shelves to be safe". What we are concerned about is how you, as retailers, are guaranteeing that your products are safe. If I can ask Amazon this, we have had 17 alerts for toy slime products since January this year, the same number as for all of 2018, and Which? found that 14 of 24 toy slimes and putties available to buy on the UK market through Amazon failed to meet the EU safety standard for boron in toys.

Daniel Kingdon: I will start by saying that Amazon is a customer-centric organisation. It aspires to be the most customer-centric company in the world and our customers trust that what they can buy on Amazon is safe. As a consequence of that, safety is our number one priority. We have very strict terms and conditions for our selling partners to meet the legal requirements in the countries of sale. That said, we do have a lot of checks and balances in compliance, in systems and across the business to make sure that our selling partners are meeting those terms and conditions.



In the specific case that you mentioned on slimes, we worked very closely with Trading Standards, our primary authority partner in Hertfordshire, to take very rapid action when that situation became apparent. We instituted a number of controls for products of that category to make sure that products on the website are safe and compliant, including in that case some specific document checks as products are listed.

Q266 **Chair:** You were selling toys that can damage children's kidneys and liver function and that in excess can be fatal and you did not know about it until Which? did the tests. Am I right?

Daniel Kingdon: We take intelligence from multiple sources. We have a lot of information that comes from our customers. We work very closely with all European regulators. We monitor over 30 product recall notification websites every day and we are continually refining our ability to ingest that intelligence. When we do find that there is any risk of a safety concern across a website, we take very rapid action at scale across our catalogue to take those products down.

Q267 **Chair:** You refine your ability to ingest the profile of risk and at the same time you are selling products on your website that if ingested can damage a child's liver and kidneys. What tests have you carried out as a retailer on the products that you are selling? What is your testing regime?

Daniel Kingdon: We test our own private label products, the products of which we own the brands.

Q268 **Chair:** You have full control of those, so I would expect those to be fine and compliant. What tests do you carry out on your resellers or the marketplace people?

Daniel Kingdon: We do not carry out routine testing of the products on our website.

Q269 **Chair:** You are just relying on Which? and Trading Standards, you are relying on the public sector to do your due diligence for you?

Daniel Kingdon: We have a lot of information and intelligence through our customer feedback and a lot of technology that helps us to learn more and more about concerns that might exist. We are investing more and more in technology to make us more proactive.

Q270 **Chair:** How do your customers know if a slime that they have bought for their child contains boron? Chemistry sets might have improved since I had mine 40 years ago, but are you seriously saying that your consumers are coming to you saying, "This has boron in it"?

Daniel Kingdon: In that particular example we reacted very, very quickly to the intelligence when it became apparent. It was not an issue that affected just Amazon; it was an issue that affected the entire industry. We reacted very quickly and we took very rapid action on a product-by-product level. What is most significant in that issue is that if



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you were wanting to list one of those same products today, you would not be able to do so without going through all the same checks that we instituted as a reaction to that situation.

Q271 **Chair:** What about Rubik's Cubes, for example? We heard a couple of weeks ago that they were being sold on the high street. Have you done any tests on Rubik's Cubes?

Daniel Kingdon: We do not do routine testing and one of the reasons for that is that—

Q272 **Chair:** Hang on, this is an area where kids are using it. They are sweating, they are trying to beat their own times. They are buying it online from Amazon and I know because I have one in my house. I heard two weeks ago that one that was bought in a market in north London contained potentially dangerous chemicals. I want to know if the Rubik's Cube in my child's bedroom is safe. What guarantees can you give me that I should not go home and throw it away?

Daniel Kingdon: All the products that you buy from Amazon should be safe. We have very strict terms and conditions with our suppliers that they must meet the safety requirements and the legal requirements of the product they sell.

Q273 **Chair:** Fourteen out of 24 slimes and putties were not though, were they? That is more than half. They should be safe, but they are not. My question is you had some intelligence about a Rubik's Cube that was given in a public session here two weeks ago. What steps have you taken as a massive online seller to check your Rubik's Cubes, to check you are not selling these things?

Daniel Kingdon: We are continually refining our systems. We are continually making sure that we are enforcing that our sellers are meeting the terms and conditions. We are very focused on customer safety. We are continually working with our Trading Standards regulatory partner and primary authority in Hertfordshire to continually look at the intelligence that we have. We work as a European team. We have many of those relationships with regulators across Europe and so in many instances the UK benefits from intelligence that is captured outside the UK in Europe. We are constantly working to try to improve that.

We have many different technologies that we can employ to make sure that our selling partners are adhering to our terms and conditions. The first one is a technology that continually scans the websites for illegal products and illegal substances. This is called the restricted products technology programme. It is real time and it continually looks at text on the websites and is informed by the regulatory requirements at a European level and a country level. We are continually refining those rules and the key words it is looking for and suppressing products or taking appropriate action with sellers when we find products that do not meet the legal requirements.



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Q274 **Chair:** But that will not catch chemicals. That might catch body parts of animals and things like that, but does that catch chemicals?

Daniel Kingdon: We have rules that capture restricted substances.

Q275 **Chair:** What, massive fertilisers, things that people could use for bomb making, those types of things?

Daniel Kingdon: Anything that is restricted by the European regulations for chemicals.

Q276 **Chair:** But people are not going to say, "This contains phthalates or parabens or formaldehydes or bisphenols" are they? That is not usually going to be listed in their ingredients list. That is the problem, isn't it?

Daniel Kingdon: Absolutely. We are reliant very much on the information that is in the supply chain, especially when we are a business that sells products that we retail, but we also offer the service as a website to third-party sellers. We are limited by that, but that is not our only programme. We also have the proactive programmes that I mentioned in relation to slimes. When we do find there is a particular issue with a product—

Q277 **Chair:** Yes, you told us about that. Can I come back to your own brand versus third-party sales? How much of your sales in the UK are own brand and how much are third party?

Daniel Kingdon: I apologise, I do not have that statistic.

Chair: If you could write to us and let us know, that would be very helpful. Thank you.

Daniel Kingdon: No problem.

Q278 **Chair:** Mind the Store rated you as a C. In the US you have a safer chemicals policy, so that is a positive thing for the US. Why don't you have that here?

Daniel Kingdon: When we come back to the Committee with some details on the percentage of the private label products we have in Europe, it will be very small. The business for private label consumables has only just started in Europe. It started earlier in the US and it is much more mature. They have a greater product range. Also in the US there has been a number of NGO campaigns on chemicals of concern, which have raised a fair amount of—

Q279 **Chair:** You have responded to the concern in the US, but not in the UK. When are you going to roll this policy out in the UK?

Daniel Kingdon: We are actively looking at rolling the policy out in different geographies.

Q280 **Chair:** Actively looking at it means what? What is the date?



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Daniel Kingdon: I can come back to the Committee with specific milestones, but the policy is very new. It was only published in October 2018 in the US. It does take a long time to roll out a policy. When you are creating a restricted products list you have to work with your suppliers to ensure that there are safer alternatives within the formulations of the products that they are making. Those ingredients often serve a particularly important functional purpose and it is important that you maintain that function in the product. It can take some time to work that through. The supply chains and the product ranges in the US are more mature and the restricted products list that they have announced for the policy that was first launched in the US, which helps with the Mind the Store rating, as you said, is a process of identifying those chemicals of concern and working and partnering with the suppliers to reduce that or to remove those and find safer alternatives.

In Europe we have a much stricter chemical regulation and we are actively looking at what impact the restricted list that we have in our policy would have in the European market now. We started that work very recently. I fully anticipate that many of the products that are restricted on the policy in the US will already be restricted by law in Europe.

Q281 **Chair:** Are you saying that because of Europe's higher chemical safety standards you think that this policy is not as required here?

Daniel Kingdon: I think that will be clear when I come back with details on what formulations we are going to have to work on, yes.

Q282 **Chair:** It does sound like the Wild West though. You said you have formulations for your own brand, but most of your stuff is other people's stuff and then you have this policy in the US but not here. The phthalates, the flame retardants, the PFAs are coming in in electronics, clothing, food and all of us are just blissfully ignorant, aren't we?

Daniel Kingdon: I think we benefit in Europe from a stringent regulatory framework that is based on science and risk and when chemicals are restricted it is done through a thorough process and to acknowledge that safer alternatives need to be available. The US has a different regulatory framework and it is working on reducing its chemicals of concern in a slightly different manner. But that said, we want the policy to apply everywhere. We started to do it in the US because that is our HQ and that is where we have our most mature private label business, but we are very keen to actively roll that out, not only to different geographies but also to different product groups.

Q283 **Chair:** You are going to write to us and let us know the timescales?

Daniel Kingdon: Absolutely.

Q284 **Chair:** Ms Brierley, can I turn to Kingfisher, please? In your 2017-18 sustainability report you expressed your support for the precautionary principle and you are trying to achieve transparency of chemicals in your



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key supply chain by 2020. You have your priority chemicals. Can you tell us what they are in terms of the roadmap for phasing them out?

Gemma Brierley: First, I want to mention that the brands we operate in the UK are B&Q and Screwfix, just to be clear. We publicly announced our chemicals roadmap earlier this year. Our intention is to go beyond the regulation. The key groups of chemical substances we want to work on are phthalates, TFCs and the flame retardants. These are based on an exercise we conducted with an external expert called hotspotting. We have a very large product assortment and it is really difficult for us to tackle everything in one go, so we have to prioritise. Our assessment is based on hazard and risk is a function of hazard and exposure.

Q285 **Chair:** Where are those chemicals found?

Gemma Brierley: Phthalates is a plasticiser, so it is in a lot of plastics to make the plastics flexible and facilitate the injection moulding production process and so on. It is in many products. We have textile ranges and curtains and so on, so there is the potential of TFCs appearing. We have outdoor furniture and so on, so flame retardants are there.

Q286 **Chair:** You are planning to phase them out by 2025. Why is it going to take six years?

Gemma Brierley: The key challenge is transparency. That is why we are committed to achieving transparency by 2020. We have to emphasise that with key supply chains achieving transparency is very difficult. Right now our vendors are not obligated to declare everything, to declare the full ingredients list. They are obligated under REACH to declare substances of very high concern and even within that sometimes we find that regulation itself might drive declaration underground. They only need to declare volume or weight under a certain percentage. We may find some incidences of the formulation just right under the limits so that they don't have to declare. There are lots of challenges in working with our supply chain.

Q287 **Chair:** Do you have any branches in mainland Europe?

Gemma Brierley: Yes.

Q288 **Chair:** Do you sell flame retardants in those branches in mainland Europe? If you are saying you are going to phase them out here by 2025 and you already sell products that do not contain flame retardants, what is the problem with here? Is it the regulatory environment?

Gemma Brierley: We have to meet the standards here.

Q289 **Chair:** Why do you say you can phase it out by 2025? Are you just hoping that the Government are going to change the regulations?

Gemma Brierley: Absolutely not. We are ahead of the regulation. There are many ways to address the flame retardant challenges, from product design, and there are alternative techniques to avoid using chemicals. We are looking into alternative materials and, as a last resort/alternative,



safer flame retardants. We are looking at different avenues to try to address that issue to meet the UK regulation in the interim.

Q290 Mr Dunne: This inquiry, as the Chair has explained, is to try to understand the extent of chemicals within everyday consumable products and how we should improve consumer awareness of dangerous chemicals in products that they use. Each of your organisations has made statements about looking to improve transparency. IKEA's plan to 2020 says that it will continually "strengthen information management about substances used". Kingfisher has done customer research identifying the demand for toxin-free living, which you are presumably trying to get towards. Amazon's chemicals policy includes its commitment to transparency, as the Chair has just said. Could each of you give us your perspective on what you are doing to supply more information about chemicals in your products and what challenges that poses for you as a business and in encouraging consumers to have relevant awareness?

Therese Lilliebladh: IKEA is very passionate about product safety and it has always formed an essential part of our vision, which is to create better everyday life for many people. We truly believe that all people have the right to safe and healthy products that are also free from harmful chemicals. That is the baseline.

When it comes to transparency, we are supporting greater transparency, and transparency both in our supply chain and towards our customers is one of the overarching directions and strategic objectives of our chemical strategy, which that we launched in 2016 and which is a substrategy to our sustainability strategy. We believe that it is important to provide consumers with more information in order for them to make aware purchase decisions. We think that they have a right to that. It is also important to think that transparency as such adds value for the consumer, so it requires some work to look into that in depth. I think we should require a different level of transparency in different product types. For example, it does not make sense to have the full ingredient list of the chemicals used in a sofa compared to a cosmetic product or a chemical product. It is about finding that balance and we are committed to providing information to our consumers.

Already today we have a ban, with very few exceptions, on substances of very high concern and we also have a restricted substance list that goes well beyond regulations. We try to always take the strictest chemical requirement available and apply it on all our range globally. We are collecting information about the chemical content when we believe it is important to do so. For example, when we decide to phase out a certain chemical or group of chemicals, we require information about what is being used instead. We assess that to make sure that our suppliers do not do any regrettable substitutions and we are also ready to provide our customers with that information. We believe that they have rights to that information.

Q291 Mr Dunne: Can you give us some examples? You mentioned sofas, and



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let's take another example of some tableware that might come into more regular or permanent contact with consumers. What information do you supply on labels when people are trying to buy some tableware or sofas in your stores?

Therese Lilliebladh: By tableware, do you mean food contact products?

Mr Dunne: Yes, something you might put food in. That is a good example.

Therese Lilliebladh: The base there is to apply very strict requirements. For example, we have already phased out phthalates in all our food contact materials and products. That is one measure we have taken. We have started to collect information about certain chemical functions, for example, plasticisers, stabilisers in plastic, some solvents, just to mention a few. We try to focus on certain chemical functions rather than collecting the whole chemical content of those product types.

Q292 **Mr Dunne:** But that is not addressing the labelling issue. Do you label chemical contents in your products at the moment?

Therese Lilliebladh: No, we do not do that. Our approach so far has been to communicate more about what we have already phased out in our products. For example, now we will start to communicate that all our textiles are free from prechlorinated chemicals and we plan not only to say that they are free from it, but also why we have decided to phase them out, what the main problem is, what function they have and why we think it is important to phase them out. If we use an alternative chemical substance, we have that information and we are looking into whether or not we should provide our customer with such information as well, but we are willing to do that. We have not quite figured out how to do it.

Q293 **Mr Dunne:** Flame retardants in sofas are a legal requirement. How do you explain the choices that you are making in relation to the chemicals you are using?

Therese Lilliebladh: We would like to avoid flame retardants and we do that to the greatest possible extent. For example, we phased out all brominated flame retardants several years ago and we want to avoid them in all our range. Now we use them for only UK and Ireland and perhaps a few markets as well, but for the rest of Europe, Asia and US we do not use any chemical flame retardants as we believe it is possible to produce safe products that are also free from harmful chemicals. That is what we are aiming at.

Q294 **Mr Dunne:** Your policy is to have increasing transparency, but at the moment you are not providing any labelling of any chemicals in products that you sell; is that right?

Therese Lilliebladh: I am not sure if we communicate anything on the product labelling yet, but we are in the process of looking into that. We have some trouble with the systems and tools available, but we have the



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information and we are ready to share that information when we get the questions. We will have more information available in the store and on the web in the future when it comes to certain groups of chemicals that we think are of importance to inform our consumers about.

Q295 Mr Dunne: Could I ask the same question of Kingfisher? Do you do any labelling of chemical content?

Gemma Brierley: For compliance we follow EU REACH regulation and one of the adjacent regulations is CLP, classification, labelling and packaging. There is a harmonised pictogram on the products to tell you the potential hazard of the product and under REACH regulation you have to provide a safety datasheet on your website. We do all of that. Of course, with our ambitions to go beyond the regulation, product communication is a challenge. Well-informed customers understand the chemistry and want to know more and we should provide the route for them to find the right information. However, having the information on the labelling can lead to miscommunication and misunderstanding by the general public, so I think we need to be quite cautious or have a several-tiered approach to public communication when it comes to chemicals because it is such a complex area.

From an operational point of view, as a retailer, we also have to equip our store colleagues to be able to respond to public inquiries. It will take quite a lot of effort to educate everyone to understand it and be able to respond to customer inquiries effectively.

Q296 Mr Dunne: Do you get customer concern about chemical content?

Gemma Brierley: There is anecdotal evidence that suggests that in the UK customers' attitudes towards chemicals—I have heard a story where a customer looked at the label and saw the chemicals and said, "That is reassuring. Now I know it is going to work". Consumer research in this area probably needs to be strengthened to understand. I used to work with Swedish colleagues. I think their attitude towards chemicals is slightly different. Maybe you can support me on that.

Q297 Mr Dunne: In garden centres in B&Q, for example, you are selling chemical products directly to consumers as chemicals to treat their gardens. Presumably there is a level of knowledge within your store staff that exists because they are handling chemicals for sale routinely.

Gemma Brierley: Yes, absolutely. We are moving reasonably fast with our garden chemicals. In 2018 we moved away from the three harmful neonicotinoids that are harmful for the bee population. We are ahead of the regulation. We stopped selling metaldehyde, which is a slug killer. We have phased out Roundup. In that area we are certainly ahead of regulation.

Q298 Mr Dunne: Mr Kingdon, in the online world 16% of the RAPEX alerts last year identified products that were being sold online and we touched on the slime earlier. As this is an EU database, post the exit of the UK from



the EU, are you intending to continue to abide by those regulations and respond to alerts? How will you deal with that?

Daniel Kingdon: Our programmes for operationalising recalls when a product is notified are Europe-wide. We recently signed a memorandum of understanding about acting on notifications for recall, taking products down within two days, notifying customers with SLAs and reporting that. Our operational programmes that underpin that, that provide that programme and data, would continue post-Brexit. We would continue as we are now, having a very active relationship with Hertfordshire Trading Standards, who are our primary authority, to share that information and check our approach and take their advice and beyond. Additionally, we are forming a relationship with OPSS on that same front.

The operational programmes are regional. They also operate in Turkey and in any market where we are distributing product. The SLAs and our performance will not change at all. Potentially what we give that information to will slightly broaden and if the UK is interested in developing an MOU along the same lines as the safety MOU that we recently signed, we would be very happy to talk about that.

Q299 **Mr Dunne:** You are increasingly operating as a platform for other people to sell products. In the answers to earlier questions, it is clear that you are reacting to third-party notification rather than taking any actions yourselves to determine the safety of products that you are selling on your platform. Is that how you would characterise it?

Daniel Kingdon: No, I would not. We would like to say that we have proactive programmes, we have real-time programmes and we have reactive programmes. It is the blend of the three, which are also a mix of manual programmes with experts looking at individual investigations and deciding the right action, sometimes and often in co-ordination with Trading Standards in the UK, and some of them are completely automated. The keyword technology that I mentioned earlier, for example, allows us to operate a huge scale across our websites very quickly. It is a blend of all three.

Certainly intelligence helps inform the proactive programmes, but now technology itself is starting to pick up on signals of safety concern, so we are less and less reliant on notifications and we are more building our intelligence programmes to make the proactive programmes risk-based. That applies to all products, not just chemical products.

Q300 **Mr Dunne:** Do you ask your third-party sellers to abide by the same transparency guidance that you do for your own products?

Daniel Kingdon: Do you mean in relation to chemical information?

Mr Dunne: Yes.

Daniel Kingdon: Yes. I was hoping to have the same question because I think it is quite an interesting angle from an online point of view. It goes



without saying that we are restricted to what information is available in the supply chains, not just the third-party ones, but equally the retail ones as well. Amazon is a business that is focused on its customers trusting it and we would not be where we are today if that did not exist. A lot of that is around providing the right information on the website at the point of sale to help them make informed decisions, whether it is about chemical risk or clothing size or any particular aspect of a purchasing decision.

One of the more interesting aspects of the US policy, which we talked about earlier, is trialling providing a lot more information about products on the website. We are limited by what information is available, but putting as much information as possible on the website about the ingredients in a product, putting that alongside competitor brands and so on, so that people can make informed decisions.

We are all about helping customers make those decisions, but when it comes to chemical risks, I think I largely agree that you have to balance transparency without alarming people. Without wanting to sound patronising, I think chemicals are often misunderstood; their function or purpose is important, but they can sound scary. If you are offering that information, it would be very interesting in this initial phase of our policy to see how US customers react to that information and what is important to them.

Equally, the AskREACH project, which I believe is due to launch later this year in Europe, is going to start driving information about chemical products. It will be interesting to see what is the value of sharing more information about products, how that is helping customers, but probably more importantly, what education programme is needed to underpin that, the phased approach mentioned by Gemma, to make sure customers understand what they are reading and are not unnecessarily alarmed by what they are reading.

Q301 Mr Dunne: Do you know what proportion of your third-party sellers have adopted your transparency policy for chemicals?

Daniel Kingdon: Yes. Equally zero right now. The policy is being rolled out in our private label products at the moment. It is very much in its infancy. We have started it in some of our own brand supplements, but the programme will go into the products that are in scope of the chemical policy that was mentioned earlier soon and we will provide that information in our overall reply on the milestones.

Q302 Chair: You said that you joined up to this product safety pledge last June. How many products have you notified the Commission that you have removed from sale?

Daniel Kingdon: Are you talking about things that are not notified publicly but our suppliers tells us and we notify?

Chair: Yes.



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Daniel Kingdon: I will have to come back to that with my technical specialist, but ultimately it is the brand owner's responsibility to notify about their products. We would only do that if we were the brand owner. I know of one case where we were the brand owner and one of our products had to be recalled.

Q303 **Chair:** What was the product?

Daniel Kingdon: It was a power bank, a battery pack. But I can confirm that in writing if it helps.

Q304 **Chair:** This product safety pledge is if one of your suppliers tells you it thinks there is a problem, not you actively looking for problems among your suppliers?

Daniel Kingdon: I will confirm when I reply on the statistics I just mentioned, but the large volume comes from notification websites, the 30 sites that I mentioned we look at every day, plus RAPEX and we also look at food sites in the same process. The commitment is to take the knowledge that the product that was originally placed on the market as safe, but an issue has been found with it and they want it to be recalled. It might be the entire product, a specific batch and so on. There could be a "just stop selling" order or there could be a recall from historical customers. There is a lot of detail that comes from that.

Q305 **Chair:** I understand that, but they are all European initiatives. My question was about the product safety pledge. You say that your partners are Hertfordshire Trading Standards. Do you give them any funding or do you pay them for any testing work to be carried out?

Daniel Kingdon: Primary authority partnerships are generally funded. We do pay for their time to have meetings, relationships, discussions and so on.

Q306 **Chair:** How much do you pay them?

Daniel Kingdon: I would have to come back with that information, if that is okay.

Chair: Okay, thank you very much.

Q307 **Anna McMorris:** I want to move on to the steps you are taking to make it easier for recycling and disposal facilities to identify chemicals in your products. Can I start with Kingfisher? What steps are you taking to look at identifying chemicals in recycling?

Gemma Brierley: The short answer is with difficulty. We have piloted several takeback schemes. For example, as you know, France has an extended producer responsibility scheme. Last year we collected about 60 tonnes or 70 tonnes of paints back into our stores. However, because of the potential toxicity of the paint products, they go into energy recovery.

Q308 **Anna McMorris:** Is that in the UK or in France?



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Gemma Brierley: In France.

Q309 **Anna McMorris:** In France there is an identifiable issue even with the extended producer responsibility scheme that we are lacking here in the UK?

Gemma Brierley: Yes. I think generally with recycled material the challenge is to have the traceability of where it comes from and what the potential risk of contamination is. We have to be quite careful.

Q310 **Anna McMorris:** We know that identified chemicals are often overlooked, particularly in the UK because the system looks at quantity rather than quality. Amazon, what are your policies in identifying and what policies you are putting into place to identify chemicals in recycling?

Daniel Kingdon: This is a little bit out of my scope. I have some information from the UK business, where I sit, on our overall approach here but I will take any detailed questions away and come back to the Committee, if that helps.

Specifically in the UK I think my responses are in general making sure we are reducing waste from customer returns. That starts with making sure that our customers understand what they are buying, so they are not returning it because it was not what they expected. It follows on with making sure that our supply chains—we sell a very large range of products—are using the best technology, and on demand forecasts, so making sure that we are not left with large amounts of products that we cannot sell. In the UK now we have worked towards zero landfill and that has been through a raft of measures, a lot of which have been around reselling products by checking them, inspecting them very thoroughly and either reselling them or downgrading them in our warehouse deals programme.

Also we are doing a lot of work with donations, specifically with In Kind Direct, a charity that helps us distribute products to over 2,000 charities in the UK. We have worked with them for about 10 years and last year alone our products were distributed via them to 2,000 UK charities. This is making sure that products are not ending up in the bin early or unnecessarily. There are some products that cannot be donated for regulatory reasons, for example HazMat, hazardous products and so on.

But in how we identify and manage the specific products that you are asking about, I would ask to come back to the Committee with a specific response.

Q311 **Anna McMorris:** IKEA, can I ask about your record of recycling and what you say are the challenges for the closed loop, open loop recycling?

Therese Lilliebladh: As you might be aware, we have a very ambitious plan when it comes to the circular economy. We are committed to becoming a completely circular business by 2030 and we see that as both a business opportunity and a great responsibility and it requires a



transformational change. We want to be circular in all aspects when it comes to how we develop our products, how we source our materials and develop our supply chain and how we meet our customers.

Specifically when it comes to chemicals, we want to make sure that we secure a toxic-free circulation of materials and by 2030 all of our products will be made of either renewable or recycled material. It is a challenge for sure and we think that the base is to place very strict requirements on the material that we use in our products. We work with chemical risk assessments on all materials before we introduce them in our products. We work with testing during product development, before first delivery, continuously and then as spot checks, just to mention a few examples. It is challenging to track legacy chemicals, which is why we think it is super important to have strict requirements in place to make sure that the virgin material is free from harmful chemicals to start with. We have identified a number of key factors for success, as we have been working on this topic for several years. We have also been working together with many other companies, NGOs, business associations and so forth, and also recyclers.

I would like to mention some of those key factors for success. First, it is about design for circularity and here we have adopted circular design principles. I am happy to share those with you afterwards. We have a chemical strategy in place. We also evaluate the chemicals that we believe are the ones our suppliers will replace and when. We always aim at having equally strict requirements for recycled material as for virgin material. We think that is crucial. It is about evaluating various sourcing approaches, various material streams and asking the right questions: where does this material come from; what chemicals could it potentially contain? It is also, at the beginning of the process, doing a lot of tests, going together with other businesses, testing a lot to figure out what the chemical risks are with the materials and documenting learnings.

Q312 **Anna McMorris:** We know that a recent study by Arnika, HEAL and IPEN found that 109 out of 430 plastic items, including toys, hair accessories and kitchen utensils, contained flame retardants and they had originated from recycled waste. In saying that you are using recycled waste, how stringent are you on checking your sources of recycling and what barriers and limitations do you face in the current regulatory environment?

Therese Lilliebladh: It is terrible that that is the case and we cannot accept that, for sure. We are taking several measures to prevent that and the base is to have equally strict requirements on the recycled and the virgin materials. We believe that that is the base for everything.

Q313 **Anna McMorris:** Can you be sure that any product in your stores is not going to contain any of the chemicals that you consider harmful?

Therese Lilliebladh: We have taken several measures to make sure of that. For example, we work with XRF equipment to scan incoming material before we use it in our products. By doing so, we can look for



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certain elements like heavy metals, bromine, just to mention a few. That is one way to do it.

Q314 **Anna McMorris:** Would you be supportive of extended producer responsibility schemes for products containing high level chemicals that are potentially harmful to human health and the environment in this country?

Therese Lilliebladh: I should start by saying that I am not an expert in that specific topic and I would be glad to provide you with more information afterwards. But of course we are willing to take responsibility for our products and the products we put on the market. We believe that it is really important that it is harmonised, which is not the case now. It is a quite heavy burden from a cost and administration perspective, even for a big player such as IKEA.

Q315 **Anna McMorris:** It would be useful to know, as a Committee, what support you need as a business to make that transformational change, what regulatory changes need to come about for you and what the barriers are. Could you let us know?

Therese Lilliebladh: Yes. Perhaps I can come back in a bit more detail on that. I know that we have a clear standpoint and we are ready to give the support needed.

Anna McMorris: Can I ask either of you the same question?

Daniel Kingdon: There are two points there. EPR schemes have had some fantastic successes, but they can be quite complex, especially when different countries have different reporting requirements. In some of my notes here I talk about the fact that selling electricals under the WEEE requirements in the EU requires over 101 reports a year, bearing in mind the different requirements across the different countries. From a registration cost point of view, thinking more of the small and medium enterprises, it is about €200 to be part of the scheme and so on, to add to that.

I think what would help from a regulatory point of view is if the tracking mechanisms are within the law and that the administration of the programme involves the entire supply chain, very much including the recyclers themselves if they have a vested interest in being part of the programme.

Q316 **Anna McMorris:** I think what we need is for producers to take that responsibility.

Daniel Kingdon: Sure. We have an opinion as an online retailer and seeing the complexities left and right of this, but it was just to add to that point.

Anna McMorris: Kingfisher, do you have any comments on that?



Gemma Brierley: We are certainly broadly supportive of the scheme. Of course we already have the experience in France. There are some learnings from the extended producer responsibility.

Q317 **Anna McMorris:** That is about to be changed anyway. There is a consultation happening at the moment.

Gemma Brierley: In the UK, yes. We are participating in the consultation through the British Retail Consortium now.

Q318 **Anna McMorris:** Okay, and you want change?

Gemma Brierley: Yes. I think the principle of internalising some societal burden certainly makes sense. The objective of, for example, carbon pricing is to internalise the non-renewable energy. In some countries it worked well and in some countries it did not. I feel looking into the policy instrument to change the economics is important, but getting it right is difficult. I see that carbon pricing worked well in Sweden, where the decoupling of economic growth from carbon emission is very clear. In some countries carbon pricing did not quite work. Somehow the market did not respond the right way. The principle of EPR is very similar where you are trying to internalise the burden of society for waste management and healthcare into your products. Of course right now I cannot comment on it because I do not know the technical details of the proposal, but we are supportive.

Q319 **Anna McMorris:** What I am asking is what would you as a company like to see in helping reduce chemicals in your products?

Gemma Brierley: I think information is important. Governments can facilitate the information. Going back to your earlier questions about recycled materials, we are taking actions to understand the approved recyclers. We make sure we do not perpetuate toxicity in recycled materials. If the Government can provide—

Q320 **Anna McMorris:** But even from recycled materials you are getting that toxicity in what you might think is recycled material but it contains those chemicals.

Gemma Brierley: Yes, exactly. Our approach is to go further down into the supply chain to understand. In Europe the waste management is more mature and we are going through the system trying to understand which recyclers have the right regime in place to ensure the traceability. In the Far East, we are also going further down the supply chain to ensure that. Relying on tests is probably not the most reliable method, but I do not know.

Q321 **Anna McMorris:** Don't you think there is a responsibility on you as businesses—as IKEA is trying to do with its policies, but coming up against regulatory barriers—to take the first step? What do you need from Government to take those steps?



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Gemma Brierley: Yes, exactly, that is what I am saying. We are making an effort of going down the supply chain to try to understand, making sure that in trying to do the right thing we do not end up doing the wrong thing.

Q322 **John Mc Nally:** I would like to go back and pursue what Philip and Anna have said. To clarify the situation for the consumer, would you support efforts to simplify consumer recycling decisions such as a colour-coding system enabling consumers to identify what items can be recycled and where? At the moment, total confusion is reigning in everything we look at. You might be doing your best and you sound as if you are going the right way, but you need to work in some sort of harmony so that when I go to buy anything—or anybody else for that matter—I can make a clear decision. Would you like to comment on whether or not you think that would be achievable?

Therese Lilliebladh: I think what is important here is that we have an infrastructure in place and that there are incentives in place to enable us to work within the system. That is one input that I would give. I did not quite get the question about the consumers. Could you repeat that?

Q323 **John Mc Nally:** Consumers have to make a decision and we all make decisions. At the moment when you are looking at anything it is very difficult to know, especially when you try to look online, as you were saying earlier, at the supply chain and where all these products come from. If I make a decision, I want to be able to look at a traffic colour-coded system that will say green, amber, red and, "This is okay, that isn't okay". It is simplifying it. If you believe in the nudge theory where people are looking at how they make a decision for their own health, wealth and happiness, it should be clearly identified and it should not be beyond the wit of organisations to come together to simplify the decision-making process.

Gemma Brierley: I do not think it is just business. Of course business has a part to play, but the complexity of the local authorities' waste management right now is one of the barriers we are encountering.

John Mc Nally: I am aware of that, yes.

Gemma Brierley: For example, I moved from one council to another and my recycling bin changed from a grey colour to a green colour.

Q324 **John Mc Nally:** We have covered this before and that is part of the problem, that the local authorities throughout the whole of the UK all have different systems. They have a different system in here and our Chair tried to change that as well. No product seems to match the bin it is supposed to go to. In instances like large items, there needs to be the ability to make a clearer decision at the point of purchase and that seems to be confusing at the moment, not just on the chemicals and the danger, but everything about it. I think if I look at anything at all I should be able to make a decision on the information in front of me, not behind it, but in front of me. I would quite like to hear what Amazon has to say to that.



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Daniel Kingdon: I am going to bring it back to the original restricted products in Europe. I think we are quite fortunate in a way to have the European regulations that we have today and any of the regulations that affect products that contain chemicals. They are considered stringent because they are based on science, risk, and products that become restricted do so on the basis of there being a safer alternative. If that continues to progress in the UK where we have a risk science base, we should not be using chemicals in the first place. It is fixing the problem from the front end. I think you are probably referring to how you manage the recycling piece, which obviously needs to be joined up, but from our point of view we are mostly concerned with making sure—

John Mc Nally: Mary's Rubik Cube is an example.

Q325 **Chair:** Can I take you back, Mr Kingdon, to some reports in the papers this weekend of an investigation in France that found millions of toys, kitchen equipment and TVs were being landfilled and incinerated? Do you do that in this country?

Daniel Kingdon: No. When I was talking about this earlier, I was talking about my knowledge of the UK's work here, because I work in the UK office, is that we have a zero to landfill policy. I know that they are looking to try to continually improve that story everywhere across Europe. One of the challenges that we have in France is that donations are subject to VAT so there are fewer overall donation pathways as a result of that.

Q326 **Chair:** This is stuff you have for free because it has come from your third-party sellers. In France you are putting it into landfill and you are incinerating it. There are chemical and environmental consequences to the incineration of televisions, for example, given the chemicals that they contain.

Daniel Kingdon: I understand the question. I do not have any information about how they are resolving that problem in France, but I will definitely come back to the Committee in writing.

Q327 **Chair:** You did say that one of the issues was they could not gift it because donations are subject to VAT.

Daniel Kingdon: It is just what is happening, as I understand, but I can come back with more detail.

Q328 **Chair:** Your Chinese company that sells stationery said if the goods were not sold within six months to a year, Amazon charged storage fees, so it is more cost effective for them to destroy the items. It is your business practices in France that are causing the people who have asked you to sell their goods to say, "Just destroy them". They are paying you to destroy them. Why aren't you paying the VAT and getting those products out into the world where they presumably could be used and enjoyed?



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Daniel Kingdon: I understand the question. Apologies, I do not have any details on how we are resolving that, but I will certainly come back to the Committee in writing.

Q329 **Chair:** Don't you think it is a bit weird that Jeff Bezos is talking about colonising the moon and saying the earth is the best planet, it is essential to do that, and yet the whole company's systems and processes seem designed not to do that?

Daniel Kingdon: I understand. Amazon aspires to be the most customer-centric business in the world and this is clearly something we are having to work on, otherwise we will end up ruining that trust.

Q330 **Chair:** *The Mail on Sunday* sent somebody into a warehouse in the Midlands who was told by a manager that some unsold goods were destroyed.

Daniel Kingdon: I do not have any details on that specific case, but—

Q331 **Chair:** Is that why you didn't comment on it or is it just because you do not want to talk about it?

Daniel Kingdon: It is largely because waste is not part of my scope in compliance, but I can certainly take the question and come back to it in writing.

Chair: We would be grateful. Thank you.

Q332 **Ruth Jones:** I am interested in the current review of the furniture and furnishings regulations, so my question is to IKEA and Kingfisher. Why do you think the furniture industry in the UK is not receptive to reforming the current regulations?

Therese Lilliebladh: First, I would like to say that we want to offer products that are safe from a fire safety perspective and a chemical perspective. That is the baseline. We believe that it is possible to develop products that are safe from a fire perspective and free from harmful chemicals. It is hard for us to speculate on that, but I guess there are those who are in favour of the fire regulation and those who are in favour of a more balanced approach where both fire safety and chemical safety are taken into consideration. We belong to the second of those options. I do not think I can speculate on that specific one.

Ruth Jones: I am not asking you to speculate. I am wondering about your thoughts. I will ask Kingfisher the same question.

Gemma Brierley: In our roadmap we are already committed to phasing out halogenated flame retardants by 2025, so we are supportive of safer alternatives. Of course in supplying to the UK market right now, we have to pass the match test. Like I said earlier on, we are exploring different avenues to see how we can address that issue.

Q333 **Ruth Jones:** As I understand it, B&Q opposed the proposals in the 2014 consultation, but you are now phasing out the halogenated flame



retardants. How do you plan to meet UK flammability standards?

Gemma Brierley: Sorry, it is the same answer. Chemicals is not the only solution. We are looking at design choices, material choices and, where we have to use chemicals, we are looking at safer alternatives.

Q334 **Ruth Jones:** Are you confident you can meet those standards?

Gemma Brierley: It is 2025, so we are still at the very early stages. We publicly made the commitment early this year, so we are at the beginning of the journey.

Q335 **Ruth Jones:** In terms of IKEA, do you successfully comply with the European smoulder tests without the use of chemical flame retardants?

Therese Lilliebladh: Yes, we do that by being very careful in the material we choose and also the combination of materials. For example, with the density of the foam and the quality of the textile we use, a combination of those. We also have developed a fire barrier that we today use in the US to comply with the US Californian smoulder test, which improves the fire safety. By doing that we managed to remove all chemical flame retardants for the whole US market back in 2015. That is something we would like to do in the UK as well.

Q336 **Ruth Jones:** Are you confident you will be able to meet the UK flammability standards?

Therese Lilliebladh: I would say that it is still very, very challenging. It has been very high on our agenda, one of the most prioritised things we were working on, but we have not managed so far. We have developed this fire barrier and we are looking into if we can improve that even more. However, I would say that with the current fire regulation is it extremely challenging. We would be in favour of a change in that regulation, as we believe it is possible to have both fire safe products, but also that are free from harmful chemicals and that is what we would like to have.

Q337 **Ruth Jones:** In terms of the adoption of the EU standards smoulder test, do you think that would reduce the use of flame retardants in UK furniture?

Therese Lilliebladh: Yes, definitely.

Q338 **Ruth Jones:** You would be supportive of the reforms in this area?

Therese Lilliebladh: Yes, we would.

Ruth Jones: Can I ask the same question for Kingfisher?

Gemma Brierley: Yes, we are supportive. Of course we have to look into the technical details of the proposal. If the proposal demonstrates it will reduce overall flame retardant material, that is our objective as well, so we would welcome that.

Chair: Thank you all very much indeed. We look forward to your letter of



response to us, Mr Kingdon. We are going to change over the panels now.

Examination of witnesses

Witnesses: Jonathan Hindle, Kasturirangan Kannah, Suzie Radcliffe-Hart, and Roy Weghorst.

Q339 **Chair:** Can I call the Committee to order and welcome our second panel in this, our third section of our inquiry into the impact of toxic chemicals in everyday life? Can I ask the panel to introduce themselves, starting from my left? Mr Hindle.

Jonathan Hindle: Jonathan Hindle. I am the Chairman of the British Furniture Confederation, which is a voluntary group of the leading executives from the trade associations and research bodies from within the furniture industry.

Kasturirangan Kannah: K Kannah. I work for Lanxess Solutions UK Limited. We are a speciality chemicals company with about 15,400 employees globally.

Suzie Radcliffe-Hart: Suzie Radcliffe-Hart. I work for FIRA International. We are the commercial services provider to the Furniture Industry Research Association.

Roy Weghorst: My name is Roy Weghorst. I am Head of Regulatory Affairs, Fire, for the Kingspan Group, dealing with all the fire issues for our products and their applicability.

Chair: Thank you very much. We are going to start with a question from my colleague, Kerry McCarthy.

Q340 **Kerry McCarthy:** This is about your feelings on reform of the furniture and furnishings regulations. Can I start by asking about the way we do things in the UK at the moment and the match test? There was a consultation by what was then BIS back in 2014 that showed that it did not work, yet the industry is still continuing to place products on the market that do not meet flammability requirements. Perhaps representatives of the two furniture companies, the Furniture Confederation and FIRA, would like to come on that to kick off.

Suzie Radcliffe-Hart: The 2014 consultation did contain some information on alternative tests and it did identify certain anomalies with the match test that is currently in the regulations. I think there were 12 cover fabrics that were tested and six failed to meet the current match test. It was a 50:50 rate, as far as I could see from the figures. We do not know very much about the samples were obtained, whether they were fabric off the roll or filling materials off the roll or whether they were taken from test samples in the field, if somebody had picked up the sofa and has cut effectively a piece of fabric out in order to do the test. So we are not entirely sure about how those samples were obtained. There can



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be very slight variations in how back coatings are applied, which may also lead to certain inconsistencies during the test.

Q341 **Kerry McCarthy:** Can I interrupt on that? No matter where the fabric was obtained from, it all ought to meet the test, shouldn't it, unless it is something that is nothing whatever to do with the flame retardants that you would be using?

Suzie Radcliffe-Hart: Yes, it should do. The tests in the regulations are designed in a way that means that the test is performed in the same way so that it is repeatable. That gives rise to a flat piece of fabric being on a particular test rig. If you then cut a piece of fabric from a sofa with stitching lines or decorative stitching, we do not know if that makes a difference to the test as such.

Q342 **Kerry McCarthy:** Isn't that the model for testing on the finished product, rather than using the current UK test?

Suzie Radcliffe-Hart: It can be, yes. The industry itself, in relation to the 2014 and the 2016 proposals, is not averse to change, we just want to make sure that we understand that the change is going in the right direction and that we are able to meet those requirements in a consistent way. When we are looking at the 2014 consultation, there were elements of that that we were not particularly clear on, so we could not agree to certain elements of those proposals.

Jonathan Hindle: If I continue from there, importantly, a lot of those findings showed that we would not be reducing the FR content as a result of any alterations to the test. A lot of the objections we had through 2014 and 2016 consultations were the fact that there was an underlying aim to reduce the number of fire retardants in the process and those were not being achieved through those proposals.

Q343 **Kerry McCarthy:** Going back to the start and my original question about the match test, do you accept that it does not work and that products are being placed on the market that do not meet flammability requirements?

Jonathan Hindle: I am not au fait with all the detail, but I would not accept that it does not work. I would say that there were anomalies in it and on some occasions they did and did not. I think the judgment has to be made—

Q344 **Kerry McCarthy:** That is not good odds, is it?

Jonathan Hindle: No, it is not good odds, but one is looking also then for an alternative and there were concerns over meeting the broader objective with just a smoulder test if we were looking to maintain the status quo. Ultimately there has to be another arbiter and judgment made on whether that is providing significant enough safety.

Q345 **Kerry McCarthy:** We heard in the last session from IKEA and Kingfisher that they would be quite keen to move to the EU-type regulations. Obviously it simplifies things for them but they also felt that that would



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help them achieve what their customers wanted, which is lowering the use of flame retardants. Do you have doubts about that?

Jonathan Hindle: No, I do not have any doubts about that at all. I would say that is entirely in synch with the whole furniture industry's sentiment. All the audits we have put out to industry have come back with everybody expressing a desire to reduce the number of flame retardants and chemicals in furniture, but at the same time to maintain the levels of safety that our consumers want as well. There is a balancing impact here but, yes, there has been an expressed desire on the part of all the companies who have written back in to reduce flame retardants or, if not, to eliminate them altogether.

I should caveat that. It is quite clear that alternatives that are known to the industry at the moment are much more expensive—natural materials and other ways to achieve the current testing climate, whether it is smoulder or match—than making use of fire retardant foams.

Q346 **Kerry McCarthy:** IKEA has said that is not exactly top end of the market and it is struggling to do things the way it wants to do things under the UK regime.

Jonathan Hindle: It is at the lower end of the market where consumers are demanding a price level that cannot be achieved through the use of natural retardants.

Q347 **Kerry McCarthy:** I do not think that is what IKEA was saying. IKEA was saying that it would not be able to meet the standards in the UK and use as few chemicals as possible, which is what it wants to do, but it does not have any problems meeting the EU requirement, which is what we would like to move towards, and still keep prices down.

Jonathan Hindle: Under the current regime, that is absolutely true.

Q348 **Kerry McCarthy:** You say that you are in favour of making progress on this, but we have heard suggestions previously that it is vested interests in the industry that are responsible for some of the delays. In what sense are you pressing for change to come forward?

Jonathan Hindle: I would like to refute that entirely. All the evidence is there to show that during the whole process in 2014 and 2016 there were very detailed responses given to all of the questions, no yes/no answers or any such, with all of the upside and downside risk models examined and provided to BIS, as it was in 2014, and BEIS in 2016. We are just as disappointed as everybody else that those 2016 responses have not been published. We have made those available to the Committee now. I think it is plain to see from that that we have been pushing ahead very aggressively for those changes to create a more level playing field for the industry.

The industry has a constant conflict where it is trying to meet circular economy and sustainability standards and certification requirements of it



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from the consumer, but also in the contracts market to deliver on those agendas and they conflict very often with a lot of ingredients that in FRs that allow for that certification. There are a whole host of drivers from the consumer end, the desire from our member companies and the like, to be meeting both ecological goals as well as those of safety and security.

Q349 Kerry McCarthy: Can I bring the other two in? In terms of reform of the regulations, to what extent would you be involved in either pushing for change or resisting change, making your views known?

Kasturirangan Kannah: In 2014 when the public consultation opened, we responded—we were Chemtura then, not Lanxess, as we are now—and then again in 2016. In terms of what specific changes we would like to see, anything at all is fine as long as you do not jeopardise fire safety. That is our single number one concern.

Secondly, in the impact assessment that BEIS carried out in the background document, it has completely overstated—grossly overstated—the gains to be made. There was a figure of 20% to 50% savings on flame retardants, which is fine. I believe that was in line with the FIRA testing, but a figure of £50 million had been claimed for the whole of the industry, the actual figure being £1.5 million and £3.75 million. That was a concern. Anything at all is fine as long as you have the right numbers, the right impact assessment—

Q350 Kerry McCarthy: That is from the point of view of saving money. The objections to the flame retardant use is not to try to lower the costs for business, it is about whether these products are harmful to human health and whether they are necessary in terms of protecting people from fire risk.

Kasturirangan Kannah: Exactly. We say we are the chemical manufacturer and we have the obligation to demonstrate safe use, as for each or any other regulation anywhere we operate anywhere in the world. As the lady from IKEA was saying, it is not a question of a balance of chemical safety and fire safety, you need both, society needs both. We are here to demonstrate safe use and the Fire Services and the others are there to speak up for the fire safety case. That is not our job. They say, “Are the furniture and fire regulations necessary?”

We are now in the 40th year after the Woolworths fire in Manchester, where I am from. Last week they illustrated, the gentlemen who were behind the fire regs—they claim that it was at the behest of Parliament that the fire and furnishing regulations came into play. We need to go back to them and ask are the furniture regulations working, are they fit for purpose? Is there a fire safety case to be made? That is their call. Our call is to demonstrate safe use. I do not believe it is a question of a balance between one or the other, it is both. Society needs both.

Q351 Kerry McCarthy: Quite a lot has changed since the rules first came in about flame retardants. We all remember, those of us who are old



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enough. That is probably not everyone on this Committee. We remember the advertisements about sofas catching fire because of people falling asleep while smoking and that sort of thing, but quite a lot has changed in terms of product used and our knowledge of the impact of the chemicals as well. Do you accept that we should be moving with the times?

Kasturirangan Kannah: We do need to. That was the reason for the public consultation.

If I could respond to one of your earlier questions on the way we go about things, we have had two public consultations and there are two aspects. There is the furniture regulations and there are the standards. The furniture regulations should be within the whole jurisdiction of Government. That is absolutely fine, but then when you come to complex areas like fire safety testing methods, the match test, the smoulder test, it cannot be done by public consultation. You could have another half a dozen and unfortunately you will not come up with a solid outcome.

Q352 **Chair:** I have to take issue with that. We live in a democratic society. If you are saying there is going to be an expert stitch-up—and we have heard from previous panels that this is a lobbyist stitch-up. Can I challenge you over your company using a bit of a ginger group, Citizens for Fire Safety, to lobby against the Californian Flammability Standards? A journalist at *The Chicago Tribune* did a bit of digging and found that this group, Citizens for Fire Safety, had three members and it was Chemtura, which is now owned by your company, Albemarle and Israel Chemicals, the world's three largest flame retardant—I can see why you do not want citizens involved. They are only useful to you when they are protecting your business interests.

Kasturirangan Kannah: Can I respond to that? I was talking about British Standards. There are two aspects: the furniture regulations, which is in the jurisdiction of Government—

Q353 **Chair:** I am challenging you on your covert lobbying in the US. Does any of that go on here?

Kasturirangan Kannah: I cannot comment on what happened some years ago in the States, but I can find out more detail. You are saying it is covert lobbying on the part of Chemtura along with other companies. You need to—

Q354 **Chair:** You have done a pretty good job in this country as well, I have to say. Here we are five years after the first consultation started and nothing has happened.

Kasturirangan Kannah: Can I say I completely refute that? What has happened in the UK I can answer for because I have been here since the beginning, through the public consultation. I completely disagree that it was covert or any other kind of lobbying. We had concerns with the regulations, we went to our local MP in Trafford Park in Manchester and



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expressed our concerns. I mentioned the impact assessment and mentioned the grossly overstated figures there. I talked about the fact that brominated flame retardants had been described in the whole, in the round, as though they were all one cohesive whole. We objected to that. The main reason is British Standards had not been involved.

It is not a stitch-up job, it is BS 5852. It has been in place for 30 years. You have to go back to them. I honestly do not believe you can get anywhere with a public consultation and ask, "Do you agree?" It is not a question on opinion on the match test, it is a question of evidence and then the match test has to be done again and again and again until people get it right. I am sorry, but if you want to have another public consultation—

Q355 **Chair:** Every other country in the world apart from the UK and Ireland can do without this match test and—

Kasturirangan Kannah: Can I respond? The European Commission mandates the CEN or CENELEC, the standards-making body. We used to do that in the UK for complex areas like fire testing, the match test and so forth. If you have another public consultation with a number of areas, it is not as though we are lobbying against. There were some aspects we were happy with and we still are happy with, but there are other aspects we are not happy with. If you sat around the committee at British Standards, you can come up with a much more rigorous procedure and come up to an outcome that everybody is happy with. That is the way British Standards works.

Q356 **Chair:** We have seen your consultation responses to the 2016 responses; it is similar to the 2014. I think FIRA has given us yours. Kingspan, were you involved in that? Not really.

Roy Weghorst: We do not make furniture.

Q357 **Chair:** You do not make furniture. Mr Hindle, could you send us your response as well to the 2016 consultation?

Jonathan Hindle: FIRA acts on behalf of the BFC for its research. We are one and the same.

Q358 **Kerry McCarthy:** I think we are almost there. Going back to the issue of whether the public cannot be consulted, the Chair has made our concerns very well known on that. You are saying you cannot have a public consultation because they do not have the expertise and do not have the command of the facts and figures to express an opinion. Is that why you are saying it cannot be broader?

Kasturirangan Kannah: Public consultation is fine on the regulatory aspects. There are two aspects. There are the furniture regulations and then the statutory instrument. But the British Standards, that should be the—

Q359 **Kerry McCarthy:** Why can't there be a public consultation in which you



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put your expert view? There are plenty of examples of going out to the public where there are a range of views and some are coming from a position of great expertise and perhaps academic prowess or whatever and other people are not.

Kasturirangan Kannah: This is time. You have had two public consultations and there are no outcomes yet. You have another one. People will always come back. There are about 125 responses to the 2016 consultation. Many of them were in favour but there were some aspects that needed to be addressed, some complex areas. If you did that by a British Standards Committee, you could come to a much more regular outcome that everybody stands by.

Q360 **Chair:** British Standards has been involved throughout this process. When we get the BEIS Ministers in in a couple of weeks' time, that is what they will tell us. Are you saying that it will not?

Kasturirangan Kannah: It was. I have seen the minutes of two meetings, but then it did not proceed any further. There was another consultation between 2014 and 2016 in which British Standards was involved. I believe it should be given to them. British Standards should be mandated by BEIS or by Government to come up with the standard. In three years' time it will come up with something and we will not need a public consultation. That is my view, sorry.

Chair: Thank you for clarifying that.

Q361 **Kerry McCarthy:** The other thing is the allegations of corruption that were made against officials at what was then the BIS Department and the suggestion that there was interference with the process. Does anyone have any views on that?

Kasturirangan Kannah: Can I go first again?

Kerry McCarthy: That was evidence from Terry Edge and Gareth Simkins.

Kasturirangan Kannah: Yes, there was one allegation made about an ex-Fire Services Chief, and the Chief of Merseyside was named. Our company—it was Chemtura then—had sponsored the Fire Safety Platform, as it was then. It has now moved on to the Euro 5 Safety Alliance. We completely refute any suggestion of corruption, totally.

Q362 **Kerry McCarthy:** In terms of your involvement in that, could you say a little bit more about what your involvement was in that process?

Kasturirangan Kannah: Sure. The Fire Safety Platform's objective was fire safety in the home. They talk about smoke detectors, they talk about vulnerable populations, they talk about unsafe furniture and so forth. That was their job. At no point did the Fire Safety Platform ever speak up on behalf of flame retardants. It made it very clear at the beginning that it would not do so. We respected that. We said as long as there is a spectrum of fire safety solutions, that is fine. That is exactly what it did.



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In terms of the specific allegation, I think the gentleman concerned has to respond to the allegation, but in our understanding there was no such impropriety, no corruption at all.

Q363 **Caroline Lucas:** We received evidence from companies showing that it is possible to comply with the furniture and furnishings regulations without the use of chemicals. If that is the case, we want to know why you continue to use chemicals in your products.

Jonathan Hindle: I can have a go at answering that in the round. I have already alluded to the fact that the alternatives are much more expensive in the use of natural materials. You can achieve it using natural materials but they are more expensive and therefore the consumer would have to pay a great deal more down the chain.

Q364 **Caroline Lucas:** How much more would they have to pay? I have lived in the EU and other countries, where I do not remember noticing a massive difference in the cost of furniture.

Jonathan Hindle: Until very recently FRs were being used in European products as well. It is only a recent phenomenon where they have started—

Caroline Lucas: What kind of differential are you talking about?

Jonathan Hindle: Perhaps the amount and different methodologies like barriers and that sort of thing used in—

Q365 **Caroline Lucas:** Just give me a ballpark figure. If you are saying one of the real reasons why you are not going for a chemical-free option is because of the massive cost it is going to involve for consumers, give me a sense of how massive that cost is.

Jonathan Hindle: It has predominantly been about meeting the testing requirements.

Q366 **Caroline Lucas:** You just said two moments ago that the real reason that you have not gone down the line of reducing chemicals is because of the cost. You said that literally two minutes ago, so let's pursue that line. The simple question I am asking you is what kind of level of cost are we talking about in terms of the extra premium to get the chemicals out?

Jonathan Hindle: In terms of using natural materials as an alternative, as a substitute altogether for FR foams and that sort of thing, the premium I think is 25% on average, although I have do not have enormous data on that across the whole industry.

I would point out that in making some inquiries before this hearing there was a suggestion that FR foams were more expensive than non-FR foams. I can confirm that that is not generally the case. That is because the FR chemicals are broadly equal to the polymers in the mix, so there is not a premium to be paid for FR foams. Also there was a suggestion that FR foams—I should quickly qualify that this is not me making a case for



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FR foams at all, but I want to make sure that some of the things that were said were properly qualified.

The FR foams are available readily to small and large businesses alike across Europe. There are four large foam producers across Europe that both UK companies and continental European companies make use of for their exports into the UK. It has been suggested that these are all barriers to trade. In fact, if one analyses it, there is probably more of a barrier to our export trade having the FRs in the mix than to the imports. The import statistics are such that it does not bear out any arguments that it is a barrier to trade into the UK at all.

Q367 **Caroline Lucas:** Going back to the key point about why you are continuing to use these chemicals in your products when other places do not, would it not—

Jonathan Hindle: They are not regulated against. Our manufacturers will continue to use them for as long as the legislation allows them to do so.

Q368 **Caroline Lucas:** Even though there is plenty of evidence to suggest that they are a real risk to consumers as a result?

Jonathan Hindle: Now there is evidence and, interestingly, we are seeing—

Caroline Lucas: Now there is evidence, so why are we not seeing from you a swift eradication of these products?

Jonathan Hindle: I can say what sort of things are happening now in the light of new information on the toxicity of some of the chemicals, with industry looking to do its own research and make its own way. I did get told by Vitafoam yesterday that it has submitted a private paper to this Committee on some developments that it has made, which it is now happier is made public, which is that it believes it has come up with a new innovation in polyurethane foams that takes all the TCPPs out and any of the substitute TCPPs out. That, if one is honest, is as a result of the fact that it had heard that there was a consultation in place where the EU or REACH was looking to ban TCPPs, so the industry was getting itself ready to provide alternatives in the light of that information. It does show that where there is that kind of incentive, they make that effort.

Q369 **Caroline Lucas:** The 2016 consultation proposed a new label that would include information about any flame retardants used in a product. Did the furniture and flame retardant industry agree with that proposal for labelling?

Jonathan Hindle: It did not disagree. It agreed with the principles behind it. Rather, as you have heard from a number of the companies, the concerns were the complexity of that and whether the consumer could understand a whole list of chemicals listed on a label for what they were and what hazard or otherwise they represented. It was more our



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concerns over whether that would achieve the aims of the exercise rather more than the desire to be open and transparent.

Q370 **Caroline Lucas:** You did not oppose it, you just raised some questions about it?

Jonathan Hindle: Some questions over whether it would achieve the desired effect, yes.

Q371 **Caroline Lucas:** Have you been involved with any work carried out by BEIS since the 2016 consultation or indeed with the Office for Product Safety and Standards regarding the ongoing review of the furniture and furnishings regulations?

Jonathan Hindle: FIRA has been directly involved in that, so maybe I could ask Suzie to answer.

Suzie Radcliffe-Hart: We have been attending a number of events hosted by people like the Office for Product Safety and Standards and DEFRA over the last couple of years. In 2018, representatives of FIRA and the association and the National Bed Federation attended an initial meeting with DEFRA in relation to disposal of products containing particular fire retardants. There was a little bit of information exchanged and we are quite happy to work further with them on that. Unfortunately we have not heard anything else, as in next stages, so we are still waiting for an outcome on whether further work is required.

In relation to the Office for Product Safety and Standards, on behalf of the British Furniture Confederation, FIRA attends various meetings, including the Business Reference Panel that BEIS hosts every quarter, I think it is. At those meetings we tend to raise the issue of the regulations and when the results of the consultation will be published. We are quite vocal in saying that industry needs to know where it stands and needs to know how we can move forwards.

On BSI, FIRA provides various representatives to participate in the work of the Standards Committees. In case anyone is not familiar with this, the Standards Committees are built up on test houses, retail representatives, consumer safety representatives, manufacturers, the people from BSI's own policy committees and a lot of the trade associations. There can be quite a wide range of input on those committees.

As far as I understand, there was a meeting of the Furniture Committee, which is FW006, in or around the time of the consultation in 2016. I have not managed to find any minutes following that meeting, although I understand some were taken. I believe the standards were discussed at that point. To answer my fellow panellists' points, BSI does need to work on the standards. At the moment it is almost a chicken and egg. Does BSI revise the standards, as it has done with 5852 before, when the regulations call a very specific version? The two almost need to be worked on in parallel.



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Q372 **Caroline Lucas:** It does sound as if the whole process is pretty complacent, doesn't it? First of all, there seem to be minutes that are not sent to people who have been around the table, there seems to be an initial meeting that, according to you, was not followed up further. Do you think there is a lack of urgency in terms of the way this is being dealt with by the registry bodies?

Suzie Radcliffe-Hart: I do not know if it is a lack of urgency. Certainly from our perspective what we are seeing from the industry is questioning, wanting to know how they can move forward and wanting to make changes in order to sell products globally, as Jonathan said.

Q373 **Caroline Lucas:** How would you characterise the response that you are getting from those different bodies where you have raised those questions?

Suzie Radcliffe-Hart: Frustrating.

Q374 **Caroline Lucas:** What impact would the adoption of the EU standard smoulder test have on the UK furniture and flame retardant industry?

Suzie Radcliffe-Hart: I do have notes on this, I do apologise. In some respects it would be more relevant for product testing because you effectively test the cover fabric, any interlinings and a filling material in accordance with the European standard. Where you have a range of products where you have, say, five or six different fabrics and maybe two different filling materials, testing final product maybe is not going to be a problem. However, when you consider the consumer appetite for, "I want that fabric on that sofa with that filling material" and the whole remit of customisation, when you go into a furniture store now you can literally have any fabric, including those that you maybe would not associate with furnishings.

A cotton drill fabric is durable, it is quite nice to look at, but some people want more fashionable fabrics. We have velvets come in, we have mixtures of acrylic and polyester coming in. When consumers want that choice and that customisation, it would make it quite cost-prohibitive for a largescale manufacturer, who offers 56 different types of fabric or colourways or patterns to test every single one on the rate that they do change over their ranges.

Q375 **Caroline Lucas:** Do you think people in the EU are exposed to greater levels of risk as a result of the fact that they are not regulating the same way as we are?

Suzie Radcliffe-Hart: I think in the UK we benefit from well-recorded issues.

Caroline Lucas: That was not my question.

Suzie Radcliffe-Hart: I know, but what we have seen in relation to European data is they do not record accidents or issues of fire in quite the



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same way. I do not believe there is enough information to be able to quantify that.

- Q376 **Caroline Lucas:** It seems to me it is very odd that the rest of the world, with very few exceptions, seem to manage perfectly well with a system that in their view is protecting the public and is cost effective and so on and does not have the chemical burden that we are seeing in the UK. I am trying to understand why it is that it seems to be perfectly okay for everyone else. Is it that they have a much higher level of threshold of risk or why are they happy with it?

Suzie Radcliffe-Hart: I suppose a lot of it comes down to the issues they have experienced, the incidents they have experienced. For example, in the UK many, many years ago we had issues of children falling into fires, so we have a fireguard standard. We have offered to write a European standard for fireguards but there is absolutely no interest from any of the other European countries in that. I think that shows the difference in cultural approach to product, cultural approach to what is in the homes.

- Q377 **Caroline Lucas:** I do not know that there fewer sofas or fewer mattresses or they have different things on their sofas or mattresses.

Suzie Radcliffe-Hart: If they have not seen maybe a largescale fire as we did in the UK in relation to Woolworths, they would not necessarily feel the need to put something in, not proactively, but ahead of that happening. Regulations and standards tend to form around issues that we know and we have experienced as risks and we need to address if they have not had the same sort of experiences.

Caroline Lucas: I am not going to go further down that road, but it does seem extraordinary, if we are talking about however many other countries, over 100, that seem to have no problem and yet we do have the problem. That cannot just be about culturally different ways of using their sofas and beds and how many fires they have witnessed.

Roy Weghorst: Can I try on this point as well?

- Q378 **Chair:** Can I ask you a question beforehand? The statistics show that after the introduction of the flame retardants, deaths stabilised at 10 per million. Obviously we have had a big smoke detector programme, which has further reduced deaths, so it is now about six deaths per million inhabitants. That is the same as New Zealand, where there are no furniture flammability regulations. Similar declines have also been measured in European countries with less stringent or no non-flammability requirements, so your argument does not hold, does it?

Suzie Radcliffe-Hart: Again, looking at the issues that we have, we tend to apply legislation and requirements and standards based on issues that we have experienced.

- Q379 **Chair:** I understand the cultural issue, I totally get that, but the outcome



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is the same. The question that we are looking at is soaking chemicals and flame retardants and potentially opening up a route of chemical contamination for people versus fire deaths. You are giving us the history about why we use flame retardants, but the outcomes are the same. New Zealand does not have any flame retardant regulations.

Suzie Radcliffe-Hart: I cannot comment as to why they do or do not have a particular requirement. They do in other areas.

Q380 **Chair:** I am not asking you, I am saying that the outcomes are the same without the flame retardants. The argument you are making is that this is somehow safer. I get why you have done it, the Woolworths fire and so on, but the outcomes are the same, with similar rates of fire deaths. Am I wrong?

Jonathan Hindle: I think if you were just measuring it in terms of deaths there is that. At some point somebody has to be the arbiter and make a judgment based on recent findings on toxicity and smoke and that sort of—

Q381 **Chair:** These regulations are 30 years old.

Jonathan Hindle: Exactly, and we have circulated enough evidence, video evidence and that sort of thing, to show how FRs prevent the early ignition and hopefully provide time for people to escape. There are a number of frontend benefits.

Q382 **Chair:** The deaths are caused from smoke inhalation now.

Jonathan Hindle: They may be, but there is a palpable lack of research to show exactly where all the deaths are coming from. Often they are in catastrophic fires and it is a cumulative effect of many things impacting on that and it is very difficult to pin it back on one particular item. A lot of the preoccupation early on, as I understand it, was to try to save lives through the early ignition factor, and providing time for escape and that sort of thing. We hear enough examples in all sorts of catastrophes of people not escaping or dealing with smoke.

At the end of the day, all of this information has been provided to the bodies that should be making those decisions. They must be the ones who make the broad judgment on whether the smoke inhalation or the toxicity issues are more important than perhaps some of the early warnings and the retarded take-up of the flame, whether it is a smoulder test or a match test, to allow more time for escape. We have talked about BSI or/and BEIS being the ones that have had all the information and collected it all. We have provided all the tests that we have been able to do through the research associations. They should be the ones making a judgment on that.

Kasturirangan Kannah: Two points. DCLG has a treasure trove of data out there. We are probably the best in the world at gathering fire safety statistics and cause of death, item first ignited, item ending also. We



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have about 30 years' worth of that. The last study by Greenstreet Berman for BIS was 2009. I think there is a case for looking at exactly what we have just been talking about, the UK statistics versus the rest of the world.

Secondly, what we have shared as written evidence with this Committee is a study that showed how UK furniture behaves—UK and Irish furniture behaves—compared with the other 25 member states. There were only 27 member states at the time. It shows how the UK furniture behaves. After about 20 minutes is when it starts to go, whereas with all the other EU 25 member states other than Ireland, you have between five and seven minutes before you encounter a toxic, highly-lethal atmosphere.

Q383 **Chair:** That evidence is contested by other witnesses, so we will move on.

We are going to talk about catastrophic fires now. Can I address my questions to Kingspan? Be aware that the inquests for the victims of Grenfell Tower have opened and been adjourned pending the Grenfell public inquiry and police investigations. The open inquests are covered under the sub judice resolution and the victims' deaths should therefore not be discussed in the context of this question, if I can make that clear. Kingspan, were your panels present on the Grenfell Tower?

Roy Weghorst: Our insulation has been used on the Grenfell Tower. Less than 4% of the entire insulation was Kingspan insulation, without our knowledge, being put on that building.

Chair: Yes, it was on Grenfell?

Roy Weghorst: Yes.

Q384 **Chair:** This was the K15 Kooltherm product made from phenolic foam and polyisocyanurate plastic insulation, which are both combustible. Is that correct?

Roy Weghorst: Right.

Chair: As you say, they are banned by the Government for inclusion on the external walls of high-rise buildings, is that correct?

Roy Weghorst: Yes.

Q385 **Chair:** You have subsequently launched a non-combustible mineral fibre insulation called K-Roc, is that correct?

Roy Weghorst: Yes, correct.

Q386 **Chair:** Was the brominated flame retardant HBCD used in the foam that was on the Grenfell Tower?

Roy Weghorst: No.

Q387 **Chair:** It was not? Okay, thank you. That flame retardant was identified as a substance of very high concern by the Chemicals Agency back in



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2008 because it was a persistent bioaccumulative toxin. It was banned in 2015 and it has been banned internationally under the Stockholm Convention. Why did it take you until June 2018 to announce you were phasing out the use of HBCD from your insulation products?

Roy Weghorst: First of all, we acquired some businesses where they used HBCD in the past. They were phased out after we acquired the businesses, but most of our products that we are producing is PIR and phenolic foam, where we use TCPP or TEP as flame retardants and not HBCD.

Q388 **Chair:** My question is, after it being banned in 2015, why did it take you three years to phase it out?

Roy Weghorst: I could not tell you, because as far as I am aware we phased it out before that.

Q389 **Chair:** That is evidence that we have received from Chemical Watch, dated 19 July 2018, "Multinational insulation manufacturers phase out flame retardant HBCD". Do you think it was phased out in your company before then?

Roy Weghorst: Yes. I can have a look into more detail and come back in a written statement on that.

Q390 **Chair:** That would be very helpful. You said the primary flame retardants now are what?

Roy Weghorst: TCPP and TEP.

Q391 **Chair:** That is potentially considered a possible endocrine disrupter, is that right?

Roy Weghorst: That goes beyond my knowledge, to be fairly honest, I am sorry.

Q392 **Chair:** You are the expert though, are you not? That is why you are here?

Roy Weghorst: Yes, on how we produce our products and how we look into how our products perform as a total in fire safety of total systems.

Q393 **Chair:** Are you concerned to learn that TCPP is an endocrine disrupter, potentially?

Roy Weghorst: The TCPP, for as far as we are aware, is still not a substance under very high concern within REACH.

Q394 **Chair:** Your approach is to wait for someone to tell you to do the right thing before you do the right thing?

Roy Weghorst: There is more in it than just saying we are waiting until something has been told. For example, what we are trying to do with our PIR at the moment is we are going to TEP, but before you can fully convert—you cannot convert overnight because there is a lot of work to



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be done before you can change your products. You need to comply with all the European regulations on compressive strength, on insulation values. The whole lot has to be tested before you can put a product on the market, which we are doing and that we are constantly looking at. For example, last year we spent over £26 million to do research and development into our products. However, as I said, it takes a while before you can do that. It is not something that you can do overnight.

Q395 Chair: HBCD was classed as a substance of very high concern in 2008 and yet the evidence we have is it took you 10 years to phase it out. If TCPP becomes called a substance of very high concern, let's say next year, are you saying it will be 2020 before you phase it out?

Roy Weghorst: That is a hypothesis where I cannot answer because what we are also dealing with is the availability of flame retardants, what you need to replace it with. As I said before, I am not aware of 2018—I have to come back on that—but normally what we do is we stay within our limits and we stay within REACH to make sure that our products are complying with what is allowed and what is not allowed.

Q396 Chair: Can I take you back to Grenfell? We had Professor Anna Stec in front of us last week. She was very concerned about the risks to residents from the potential fire debris in their home and the toxins degrading and remaining in the soil for a long time. She told us about residents who had fire debris in their homes 17 months after the fire, including insulation material. This is your material, which I accept you did not know was being put on the building and was not designed for that purpose. She found that it was difficult to find soot six months after the fire, "Mostly we found fire debris; pieces of charred insulation material. In the form that it is in you would have all of those toxicants compiled together in that flat debris and very small pieces of it can get inside flats". What steps have you taken, as a company, to help with the clean-up after the Grenfell Tower?

Roy Weghorst: First, we have been made aware of the research of Professor Stec in March this year, where it is clearly stated that it is a preliminary result and that you have to be cautious in interpreting the results because, for example, soil measurements are very difficult.

Q397 Chair: Why are soil measurements difficult?

Roy Weghorst: Because it is complex. It is a complex—

Q398 Chair: I know it is complicated. That has come out very clearly, but we have done an inquiry into soil and there are lots of experts out there who can measure stuff. Are you saying that she has her sums wrong?

Roy Weghorst: First, what is the baseline of how the soil used to be before the fire is one of the things. One of the things is also are these numbers that are found a concern? That is also what is not clear.

Q399 Chair: My question was what steps have you taken in the clean-up of the



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contamination post-Grenfell?

Roy Weghorst: As there are still parts that are going into the inquiry in phase 2, I do not think it is a thing we could do and Government has not taken any steps to clean up or ask for any support in clean-up. It is still under investigation, so it is—

Q400 **Chair:** Have you offered any support in the clean-up?

Roy Weghorst: No.

Q401 **Chair:** No, okay. Because some of the chemicals found in the soil around the site are of benzene, polycyclic aromatic hydrocarbons, isocyanates, phosphorus flame retardants and hydrogen cyanide. Some of those things potentially in the soil could have come from your panels.

Roy Weghorst: It could have come from a lot of things. If you talk about toxicity, it is a very difficult subject. To establish the toxicity of a product you look at, for example, is it a well-ventilated fire or an under-ventilated fire? Because that gives you completely different readings of how toxic these chemicals are being released in a fire because they burn very well-ventilated. As soon as they start to become burning under-ventilated you get into different things, but that goes for everything.

Q402 **Chair:** What do you think Grenfell Tower was? Was it well-ventilated—

Roy Weghorst: The façade itself—if I look at it and if I look at the research we have done afterwards—back in 2017 we did research into nine different façade build-ups with both mineral fibre insulation as well as a PIR and a phenolic foam with the cladding panel polyethylene cord, as used on Grenfell, and we did toxicity measurements on these nine build-ups because the others were with the fire retardant, ACM, as well as with the limited combustibility ACM. In these readings you see hardly any difference. You see some differences but they are minor because they are in a well-ventilated condition, what you would expect in a fire on a façade where you have oxygen availability.

Q403 **Chair:** It was an open fire situation at Grenfell.

Roy Weghorst: The fire on the façade, yes. What burned inside the tower is a different story.

Q404 **Geraint Davies:** May I ask Mr Kannah simply what environmental and health testing is carried out on flame retardant products prior to placing them on the market? We have heard evidence obviously that there are limited impact fire retardants, but that they penetrate people's skin, they get into the mother's blood and the baby's milk and so on. What testing do you do on environmental and health impacts?

Kasturirangan Kannah: We do quite extensive testing, testing on the REACH first for physical chemical properties of the substance, toxicological properties and ecotox. There is something like 70 N points, as they are called, whether it is a skin sensitizer, whether it is a respiratory sensitizer, what is its boiling point, some of the basics,



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physical chemical plus things like ecotox. It can harm fish, for example. We are required to do tests on earthworms, particularly for poly-soluble products, so 70 N points, so we pull them all together in a form of a hazard assessment, marry it up with the exposure assessment. Together that forms the risk assessment that we are required to submit to ECHA as part of our chemical safety registration dossier. That is the testing. That is what we do.

- Q405 **Geraint Davies:** Has that testing led to extensive changes in the chemicals you use to ensure that there is less bioaccumulation and less persistence to those chemicals? How much safer are the chemicals you are using as a fire retardant now than they were say five years ago?

Kasturirangan Kannah: It is not the testing itself that has led us to what we know today. Looking back over the last 25 to 30 years we realised we are just learning in terms of brominated flame retardants. You need to move towards less bioaccumulative products and more reactive products. Our whole research and development is geared towards producing more polymeric and reactive flame retardants. Something like 85% of our total brominated flame retardant portfolio is today polymeric or reactive. Around the world polymeric substances are given very light touch treatment. In REACH, for example, we are exempt from registration. You do not even have to register polymers. If you like, the Holy Grail is the polymeric and reactive type of flame retardants so that is what we are gearing our R&D efforts towards.

- Q406 **Geraint Davies:** But can I ask, beyond REACH compliance, as it were, are you confident that all the products you use are proven to be safe? Is that what you are saying?

Kasturirangan Kannah: Yes, we are required to demonstrate safe fuels. You are not allowed to put a product on the market unless you can demonstrate safe fuels, so you do the hazard assessment, you do the exposure assessment and you demonstrate safe fuels. You cannot put anything on the market unless it is safe.

- Q407 **Geraint Davies:** You are saying that these products are safe, but we have heard evidence that they are persistent, they are bioaccumulative, they do cause cancer, they do enter babies through the mother's milk, but you are sitting there saying they are safe.

Kasturirangan Kannah: Yes. It is a measure of the hazard, things like carcinogenicity or the propensity to produce cancer; it is a measure of the hazard. What we are working towards is less hazardous products, more intrinsically safe products, so that is what I mean by saying polymeric.

- Q408 **Geraint Davies:** So they are safe, but now you are saying they are not safe—they are less hazardous—so they are hazardous, but they are less hazardous than they were?

Kasturirangan Kannah: They are less risky.



Q409 **Geraint Davies:** How dangerous are these products for young babies whose mother is sitting on the sofa all the time?

Kasturirangan Kannah: They do not pose a risk. That is as much as we can say. They do not pose a risk. Whatever levels are found in the home—for example, we heard about the Rubik's Cube and presence of a substance of very high concern. It does not mean that the presence of a substance of very high concern in a product necessarily equates to a risk and that is not my statement. It is from the ECHA website. You can have something from a recycled product in the sofas, in furniture, which is there, but it is not causing you any harm. In other words, it is not causing you any risk. In other words, it is safe.

Q410 **Geraint Davies:** I am not quite clear on this. You are saying then the products you use in your flame retardants in great abundance do not cause any biological health risk to people, yet we have heard this evidence about bioaccumulation and persistence in people's bodies that has given rise to cancer and so on. You are saying that is wrong, are you?

Kasturirangan Kannah: No. I am saying those are the hazards of the substance. The ability to cause cancer does not mean it is causing cancer. It is just the hazard times exposure that is the risk.

Q411 **Geraint Davies:** The ability to cause cancer does not mean it is causing cancer. Again, I know your business is in providing these chemicals, but we have heard other evidence—the Chair has mentioned it—from New Zealand and elsewhere about what the outcomes are in terms of health threats from fire itself, from the smoke and the flames. They are no greater when you take these chemicals out, so it seems to me that we are just putting dangerous chemicals into people's furniture unnecessarily. You are saying it is not a hazard and other clinicians are saying it is.

Kasturirangan Kannah: It is a hazard for sure. It is a hazard. It is not a risk.

Q412 **Geraint Davies:** Okay. The emerging evidence, Mr Hindle mentioned that the industry is responsive to regulatory threats to tighten up and will adapt itself to be cleaner and safer. In light of what we are doing today—and other public focus on this issue—what changes does your company intend to make to reduce the level of hazards you have now accepted exist?

Kasturirangan Kannah: More of the same. I said we are up to 85% today in terms of our whole brominated flame retardant portfolio. We would like to come to 100%.

Q413 **Geraint Davies:** If I bought a sofa today that had been treated with your company's products, how much safer would it be than if I bought one 10 years ago that you treated in terms of penetrating my skin and giving me a risk of cancer?



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Kasturirangan Kannah: In 10 years from now we hope to be 100% polymeric and reactive.

Q414 **Geraint Davies:** I am talking about if I have a 10 year-old sofa that you have treated. Presumably I should get rid of it because it is a lot more risky than a new one, but would that then not contaminate the recycle and resupply chain?

Kasturirangan Kannah: Not at all. No, if you have a 10 year-old sofa—let us say it has a substance of very high concern—that does not mean it is causing you any harm. That is the point.

Q415 **Geraint Davies:** Because I do have an old sofa, as it happens, and I am wondering whether to get rid of it, so I just want to know. We know that the fire retardant itself goes down as the chemicals leach out—there is less fire retardant. It leaches out and then it causes people medical problems, but over time as it leaches out there are less chemicals in it for me to be worried about penetrating my skin, so I should keep it or should I recycle it?

Kasturirangan Kannah: I am not the expert on how much leaching happens, but I know that this back coating that is applied to UK sofas, they are required to withstand a number of washes before they degrade so the amount of leaching is going to be small. That is the kind of levels we are picking up in our home in dust and all that. I do not believe that they will degrade to a point where they will fail a furniture test, for example.

Q416 **Geraint Davies:** We did hear evidence that they leached over time. There is a problem of it going into people's bodies, but then they did not work as a fire retardant and also when they were burnt the chemicals then had transformed to make a more dangerous smoke, so the fire retardants were going into people's skin and in danger of killing them through more toxic smoke. Do you think that is a good thing to be producing?

Kasturirangan Kannah: Flame retardants are there for one purpose only and that is fire safety. There is a standard to be met. We supply the flame retardants and manufacturers use that in their products to make a fire-safe product.

Q417 **Geraint Davies:** Do you accept that your products in an old bit of furniture can make smoke more toxic?

Kasturirangan Kannah: What I would say is that they can inhibit fire and retard fire growth, so therefore if there is an accidental fire you are given that much more time to escape. We talked about the smoulder test. If an EU sofa is there in your home, for example, it is going to be an inferno compared to a UK or Irish sofa. That is a comparison.

Q418 **Geraint Davies:** Finally, there is a movement now towards having more plastic in cloth because it is cheaper, I assume, than say cotton. Can you



tell me, because I simply do not know, does that make that product intrinsically more dangerous in terms of both toxicity of the smoke and the flammability of the product and so if you get more plastic in a sofa in the material, would that be a pretext for you to push on more fire retardant?

Kasturirangan Kannah: It has to be made fire-safe. That is as much as you can say. If there is more plastic in it—and depending on the type of plastic—inherently it is likely to be more combustible and therefore you do need to—

Q419 **Geraint Davies:** So therefore if we have more plastic in our sofas we need more fire retardant to make them safer and that in turn is a double environmental problem because we get more penetration on our skins. I know Mr Hindle was very concerned about the cost of these products. Basically what is happening is that people are getting cheaper sofas, made of plastic materials that then require more fire retardant, and because of that cost drive they are more at risk of cancer.

Kasturirangan Kannah: You do not need more flame retardant. You would need a fire safety standard that is set at a high enough level that you are given that assurance of fire safety. You can meet it, as IKEA said, through material choices, through safer flame retardants, through safer chemicals—

Q420 **Geraint Davies:** I will end now, but would it help then if there was a tax, for instance, on plastics—the knock-on there would be less plastic in materials—so we would need less fire retardant, people would be safer, wouldn't they?

Kasturirangan Kannah: I think so, yes.

Q421 **Ruth Jones:** You stated just then it is a hazard, not a risk. The definition of hazard is, "Danger, risk, peril or threat" so I am concerned at the way you are making your assessments because a risk assessment is a hazard. I am deeply concerned about that. I am just—

Kasturirangan Kannah: It is a combination of hazard and exposure. That is as fundamental as I can put it. It is the combination that gives you the risk. Just the hazard itself—it is there where we use Botox; I do not use Botox, but botulism is the most poisonous substance known to man and yet we are quite happy to use it in our faces for things like wrinkle lines and to cure muscle spasms at the right dose. It is the dose that makes the poison, so that is all I can say about hazard and risk.

Q422 **Chair:** There are absolutely no Botox users on this Committee, I am happy to guarantee.

Can I take you back to this Deca-BDE, brominated flame retardant? In the evidence that you have submitted to us, which we have not a chance to publish yet, is a substance of very high concern, you agree. Your evidence says, "It does not imply its prior use in furniture is causing harm to people but we know that it is persistent and we know it is



bioaccumulative". What you are saying is until it is proven to have a bad outcome there is just a question mark over whether it is. Shouldn't the precautionary principle apply here and is that not why you are developing different types of brominate?

Kasturirangan Kannah: That is right, yes.

Q423 **Chair:** You are clearly concerned enough to try something different.

Kasturirangan Kannah: We are concerned, yes. We do not want any bioaccumulative products out there, so what I said earlier about polymeric and reactive flame retardants are exactly where we would like our R&D efforts to progress towards. We are concerned because of exactly this kind of criticism levelled against our product. Risk or no risk, we are concerned about the hazard—and therefore yes.

Q424 **Chair:** The previous evidence we had is that we have what is called a regrettable substitute, so you do a very similar chemical that then has one or two different letters changed—I think that is as simple as we can call it—and then over time they also are shown to be persistent bioaccumulative and so on. Are you concerned that your new brominated flame retardants are going to cause problems in 10 or 15—

Kasturirangan Kannah: We are concerned. Yes, definitely we are. We do not want to get into regrettable substitution, hence all efforts are being geared towards polymeric and reactive.

You asked about HBCD earlier. That is a small HOR monomeric molecule. The replacement for that is a polymeric molecule with a very large molecular weight, about 160,000 or so. The whole process took between seven and nine years to phase out HBCD and bring in the new polymeric substance. Yes, we would like to do a wide regrettable substitution, but it is a question of just looking at the molecule and making sure that it is not—like you said, it is a just a little bit of a tweak in a molecular structure, yes.

Q425 **Chair:** You have obviously spent a lot in R&D, €180 million last year. Have you funded any R&D here in the UK?

Kasturirangan Kannah: We have done research work in the UK, yes. We have worked with Imperial College, with Bolton University, with Exoha, Waddington Fire, yes, that sort of—

Q426 **Chair:** What are you funding at Imperial College and at Bolton?

Kasturirangan Kannah: Imperial College was a study called "End Layers". It was all to do with a bus, a coach. There are lots of fatalities coming from coach fires so the study was called "End Layers", the number of layers of protection starting from ignition retardants, all the way up to smoke detectors and the sprinkler, so that is giving you—

Q427 **Chair:** You are looking at a whole bus.



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Kasturirangan Kannah: Yes, looking at a model of a coach, so that was Imperial. Bolton University, we funded a PhD student on polymer composites. I do not have the details, but I can send that to you. That was Bolton.

Q428 **Chair:** Polymer composites in what context?

Kasturirangan Kannah: It was to do with phosphorus-based flame retardants that we also manufacture, non-halogenated flame retardants. On the details, I am sketchy. It is some years ago now, but I am happy to send you the details, yes.

Q429 **Chair:** Do you have any connection with Bolton University at the moment?

Kasturirangan Kannah: No official connection. I have worked with a couple of professors there. They still keep in touch from time to time, yes.

Q430 **Chair:** Which professors would they be?

Kasturirangan Kannah: Professor Dick Horrocks and Professor Baljinder Kandola.

Chair: Can I ask you the same question, Mr Hindle?

Jonathan Hindle: Sorry, would you mind repeating again?

Q431 **Chair:** Has your organisation funded research into the efficacy or safety of flame retardants?

Jonathan Hindle: FIRA has used its membership subscriptions to fund a certain amount of research on behalf of the industry. It has not usually gone into the health-related issues of that—and perhaps Suzie could comment a little bit on that—but we have commissioned that with the limited resources available to a voluntary body.

Q432 **Chair:** With what university?

Suzie Radcliffe-Hart: For the studies that the association has commissioned, it is usually in relation to industry. We are a membership-funded organisation so members' fees go into the research projects that are undertaken. It is usually that will be of interest to them or will benefit them or the industry. In 2014 we looked at quite an extensive project in relation to the new proposals for the regulations.

Q433 **Chair:** The EU proposal?

Suzie Radcliffe-Hart: The new proposals to the regulations.

Chair: For 2014, yes.

Suzie Radcliffe-Hart: Just to see how different materials would perform with different levels of fire retardants added to them. In 2015 we did a research project in relation to potential impacts of flame retardants on



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end of life for upholstered products. As Mr Kannah says, a chemical can be in a product and it may not, in some cases, be released during its lifetime, but when it comes to end of life and you are either looking at recycling, repurposing, remanufacture, there is a potential for something to be released there. That was a research project in relation to flame retardants and end of life of furniture.

Q434 **Chair:** Who carried out that research?

Suzie Radcliffe-Hart: The consultancy team at FIRA International.

Q435 **Chair:** Has it been published?

Suzie Radcliffe-Hart: The 2015 and 2014 have, yes.

Q436 **Chair:** Has the end-of-life paper been published?

Suzie Radcliffe-Hart: It has, yes, in 2015.

Chair: Great, thank you.

Suzie Radcliffe-Hart: Do you want a copy of that?

Q437 **Chair:** Yes. I think that would be very interesting for the Committee.

Mr Weghorst, Kingspan has a big research budget, does it not?

Roy Weghorst: Yes. We do several research projects. For example, we are doing research into bio-based materials with universities here in Cardiff, for example, but we also do a lot of research into fire performance of our products in a system where we did the study, as I said before, with Efectis in Belfast at the Ulster University. We also sponsored the International Master of Fire Safety Engineering in Edinburgh and Lund. Two students will start looking now into, for example, what kind of impact a cavity has on fire performance at the start.

Q438 **Chair:** Some people would say that you are funding academics to get the response that you want to provide research and evidence to the Minister. How independent do you think that that research is?

Roy Weghorst: If you start wondering about that, I think that the work we have done and the work we have done in research with academics, they go to peer review processes in fire engineering magazines, where you definitely want to have a peer review because that shows you the independency of the academics.

Q439 **Chair:** You also use your commercial might to delay academic research, don't you?

Roy Weghorst: We do not delay academic research if it is academic and if it is peer reviewed by others. If it seems to be that it is not academic then we go into debate, "Why you are trying to publish a non-academic work?" Yes.



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Q440 **Chair:** We heard from Anna Stec last week that there was a paper on PIR sandwich panels that have been delayed for five years because of legal threats from your company. Are you saying that her research was not peer reviewed?

Roy Weghorst: It lacked peer review. We did a peer review by a professor and there were, I think, 12 pages of comments on where it was misinterpreted. That led into a published paper in the end where there has been several significant changes to the paper to get rid of the non-academic parts as well as a commentary on the other things that are highlighted as minor inconsistencies, where I personally have my doubts that it is a minor inconsistency.

Q441 **Chair:** What is your qualification? What is your level of research and qualifications?

Roy Weghorst: By profession I am a mechanical engineer doing fire—

Q442 **Chair:** You are not a chemical expert at all then, so your opinion—

Roy Weghorst: It is not only my opinion—we are talking about fire chemistry here, and we are talking about fire. This was more based on fire propagation inside a room and that is something completely different than fire chemistry.

Q443 **Chair:** But it is not your area of expertise?

Roy Weghorst: No, but that is why we consulted other people as well to give their professor's opinion, their academic opinion.

Q444 **Chair:** What it looks like is that you are trying to suppress academic criticism of your products. That is what it looks like to me.

Roy Weghorst: To be fairly honest, I disagree on that.

Q445 **Chair:** I was an academic for seven years. I never had a legal threat from anybody about stuff I wanted to publish. I was working with businesses all the time. I think it is extraordinary.

Roy Weghorst: We were given the paper before it was published and we looked at the paper and we did a peer review on the paper. We came up with comments and these comments have been addressed—

Q446 **Chair:** You were given the paper as part of a peer review process and yet—

Roy Weghorst: No, I do not think—

Chair: Your criticism was that it had not been peer reviewed.

Roy Weghorst: I do not think it was a peer review. It was given to us like, "We are going to publish this". That was the end. What we have done is we have looked at it and we had a peer review and we came up with comments and that is why it was delayed, to address these comments.



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Q447 **Chair:** A five-year delay.

Roy Weghorst: Don't ask me. We have commented on it and then it took them five years to come up with a new version. That is not up to us, I am sorry.

Q448 **Chair:** It seems that UCLan are a bit of an issue with you. You have issued them with a Freedom of Information request on where they get their funding for fire safety research. What are you trying to find out there?

Roy Weghorst: The Freedom of Information Act is not something I am aware of. I need to ask where that came from. If we have done that, I need to come back in writing.

Chair: Professor Stec told us last week that—

Roy Weghorst: I have to come back to you on that in writing. I am sorry, I am not aware of that.

Q449 **Chair:** So someone in your organisation, who presumably might be accountable or one of your members of staff, has done this. Do you think they have done that without telling you?

Roy Weghorst: It might be that there is a good reason to do a Freedom of Information Act, to see where funding comes from, because you might consider yourself as independent, but if you are not declaring on behalf of who you get the funding then it might be tricky, yes. That is correct. That is why if we do research we clearly state where we fund people.

Chair: Okay. If you could get back to us on that we would be very grateful. Thank you all very much indeed for your very full responses and we look forward to the letters that you will be writing to us.