

The RT Hon Philip Dunne MP
Chair
Environmental Audit Committee
House of Commons
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Dear Philip,

Thank you for your letter of 1 December, and the Committee's continued engagement on the fire safety of domestic upholstered furniture following the publication of our consultation on proposals for the new regulatory approach.

As the Committee will be aware, the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (the FFRs) were introduced to respond to the increasing number of UK furniture fire-related deaths in the home from the 1960s to the 1980s, by increasing the time available to escape, which is critical in many fire scenarios. Peer-reviewed academic research shows that the 1988 regulations have substantially contributed to the reduction of injuries and deaths caused by domestic fires and the UK is recognised as having one of the strongest regulatory regimes in the world for upholstered furniture fire safety.¹ As a result, in July 2019, New Zealand issued a 'Foam-Filled Furniture Product Safety Policy Statement' that advises manufacturers to consider following the FFRs as a route to achieving desired fire safety outcomes.²

The FFRs do not stipulate the use of chemical flame retardants to make products safe, but the Government has recognised that they have become a cost-effective way for manufacturers to meet the flammability requirements of the regulations. Where flame retardants are used in furniture and furnishings to meet the requirements of the FFRs, they must be compliant with all relevant UK chemicals regulations, including UK REACH and the Stockholm Convention on Persistent Organic Pollutants (POPs). UK chemicals legislation aims to provide a high level of protection for health and the environment from the use of chemicals, including those used in products.

While the FFRs continue to save lives, important changes are required to take account of issues with the current regime, as well as modern-day hazards and risks, which the Committee identified during its inquiry into *Toxic chemicals in everyday life*.

The recent consultation set out proposals for a new approach to the fire safety of domestic upholstered furniture. The new approach is based on safety outcomes underpinned by a set of essential safety requirements which all products in scope of the regulations must

¹ The University of Surrey, 'Effectiveness of the Furniture and Furnishings (Fire) (Safety) Regulations 1988', 2000, pp. 1

² <https://www.productsafety.govt.nz/for-businesses/making-sure-products-are-safe/product-safety-policy-statements/foam-filled-furniture/>

meet in order to be placed on the market. The proposals aim to maintain and improve fire safety for consumers. They also aim to better address the potential risk of exposure to chemical flame retardants, a concern raised by the Committee, through a package of measures designed to enable and encourage a reduction in the use of chemical flame retardants.

These evidence-based proposals were developed in collaboration with a wide range of stakeholders. During the consultation period, Officials in the Office for Product Safety and Standards carried out 23 stakeholder engagement events, including meetings with manufacturers, retailers, testing and accreditation experts, consumer groups, trade associations, Local Authority Trading Standards, and numerous fire safety experts (including the London Fire Brigade and the National Fire Chiefs Council) to discuss the proposals in more detail and invite feedback to support ongoing development of this complex policy area.

The Government will review the proposals in the light of the responses received to the consultation and will continue to engage stakeholders as it refines the proposals. The Government will issue a response to the consultation in due course, setting out the next steps for the new approach.

In the meantime, I have addressed the points raised in your letter in turn:

- 1. Please set out the process which the British Standards Institution will be using to develop voluntary safety standards for upholstered furniture, together with an expected timetable for the development and implementation of new flammability standards for furniture.*

Standards play a key role as an effective, market-led delivery mechanism for Government policies and are used across a range of Government policy areas. The British Standards Institution (BSI) is an independent body that is recognised by Government as the UK's National Standards Body through a Memorandum of Understanding. BSI is facilitating the development of new British Standards to support manufacturers to demonstrate compliance with the new essential safety requirements. The BSI committee developing these new standards comprises a wide range of stakeholders, including manufacturers, fire safety experts and consumer representatives. The standards will set out flammability performance specifications and may be designated by government if they are deemed to provide a presumption of conformity with the essential safety requirements. The Office for Product Safety and Standards is working closely with the committee to ensure the new standards are available to support a timely transition to the new approach in order to realise the benefits of the new approach as soon as possible.

- 2. Given the widespread concerns raised about the effectiveness of the UK's current flammability tests, please explain why the Government proposes to retain the requirement for products to be assessed against risks posed by flaming and non-flaming ignition sources.*

The Government has worked closely with the National Fire Chiefs Council to ensure that the essential safety requirements address relevant ignition sources. Consideration has been given to the wide range of possible ignition sources including candles, matches, cigarettes and lithium-ion batteries, as well as international approaches to upholstered furniture flammability testing, such as the USA's smoulder test for upholstered furniture and its open-flame test for mattresses. The research report, Characteristics of Modern Domestic Fire Scenarios, indicated that open-flame ignition sources including candles,

matches and other naked flames still represent the ignition source for 30% of domestic fires where furniture is the first item ignited and 9% of all domestic fires.³ This is why the Government proposes to retain the requirement for products to be assessed against risks posed by flaming ignition sources, in addition to non-flaming ignition sources.

3. *Please set out the rationale for only excluding certain child and baby furniture products from scope, and indicate what assessment has been undertaken of the risk of harm to babies and children from retaining the remaining categories of product within scope of the proposed legislation.*

In 2019, the Government committed to review the status of baby products within the scope of the regulations, due to the concerns raised about the potential effects of chemical flame retardants on babies and young children. The proposal to remove a number of baby and children's products is supported by a range of evidence, including the Fire Risks of Upholstered Products research report, which assessed those products as posing a greater risk of potential chemical flame-retardant exposure than injury from a fire.⁴ Products that pose a greater fire risk remain in scope. This reflects the careful management of priorities, including the need to maintain fire safety while reducing the risks posed by chemical flame retardants to babies and young children. Other non-baby products have also been excluded where appropriate, and this further reduces babies' and children's exposure to chemical flame retardants.

4. *Please indicate what, if any, measures are to be put in place to provide reliable sources of information for consumers to consult about the chemical flame retardants used in upholstered furniture.*

We consulted on the proposal to indicate where chemical flame retardants have been used and to list those chemicals on the new permanent label. This proposal forms part of the package of measures intended to encourage and enable a reduction in the use of chemical flame retardants. Not only does this information support the second-hand market and safe disposal, but it also importantly enables consumers to make more informed purchasing decisions, acknowledging the growing consumer appetite for chemical safety information. Research carried out by the Office for Product Safety and Standards revealed that consumers felt that information should be displayed as simply and concisely as possible and that the vast majority would not seek further information from other sources.⁵ The Office for Product Safety and Standards, as part of its UK Product Safety Review is currently reviewing product labelling and consumer access to information.⁶ This includes working with DEFRA regarding consumer information on chemicals in products.

5. *Please set out the evidence which indicates that a technology hierarchy approach is likely to be effective in reducing the use of substances of very high concern (SVHCs) in the treatment of upholstered furniture. Please also indicate how the duty of compliance by manufacturers with the Flame Retardant Technology Hierarchy is to be monitored and enforced, and the authorities responsible for enforcement.*

The proposed flame retardant technology hierarchy is another part of the package of measures designed to enable and encourage a reduction in the use of chemical flame

³ Fire Safety Group and the Fire Investigation Group: BRE Global, 'Characteristics of Modern Domestic Fires and the implications for product performance testing', June 2021, p. 48, 57.

⁴ <https://www.gov.uk/government/publications/fire-risks-of-upholstered-products>

⁵ <https://www.gov.uk/government/publications/consumer-attitudes-to-fire-safety-information-on-furniture>

⁶ <https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

retardants. The hierarchy will make it an obligation for manufacturers to consider alternative ways of achieving fire safety in respect of their products to the default use of chemical flame retardants. Based on discussions with manufacturers, our understanding is that many already consider alternative approaches, voluntarily responding to consumer demand and concerns about chemical flame retardant use. Furthermore, businesses move away from substances once they have been added to the list of potential SVHCs for reputational reasons, and due to the likelihood of the substance becoming a SVHC in the future. Where potential SVHCs are used in products, UK REACH provides that producers or importers of those products must fulfil certain obligations in respect of the provision of information relating to those substances. This includes providing consumers with information about SVHCs within 45 days of a request.

Evidence of the application of the hierarchy during the design and manufacturing process must be included in the product's technical file. Enforcement of the regulations is carried out by Trading Standards.

Once again, I thank the committee for its interest in this important matter. I would like to also extend an offer to meet in the new year, to discuss this matter further. Should you want to accept this, my office will be in touch to arrange a date.

Yours ever,

A handwritten signature in black ink, appearing to read 'Kevin', with a stylized, cursive script.

KEVIN HOLLINRAKE MP

Minister for Enterprise, Markets and Small Business