Office for Product Safety & Standards

New Approach to the Furniture and Furnishings (Fire) (Safety) Regulations

Chemicals Stakeholder Forum

10 February 2021

Why are we here?

- Introduce ourselves and establish ongoing dialogue
- Provide an update on the policy
- Discuss key policy issues

Who we are

- The Office for Product Safety and Standards (OPSS) leads government policy on product safety
- OPSS is a national regulator for product safety and lead Government policy on product safety, metrology, hallmarking and market surveillance
- OPSS are responsible for product safety at our boarders
- OPSS leading the review and revision of the Furniture and Furnishings (Fire) (Safety) Regulation 1988 (FFR)
- Policy Team:

Kate Parsons – Policy Oversight

Gisela Mann – Policy Lead

Sean Valoo – Policy Adviser

Brief Background

In July 2019 the Government announced a new approach would be developed to the Furniture and Furnishings (Fire) (Safety) Policy (FFRs)

- Government will develop a new approach to address the different sources and chemical risks associated with furniture and fire safety
- Outcomes based approach underpinned by a set of essential safety requirements
- Voluntary British Standards developed by BSI will support businesses to comply with the new regulations
- Fire safety remains the main objective

Desired policy outcomes

- Maintain and improve fire safety
- Support a reduction in flame retardant chemicals
- Support innovation
- Give industry choices on how to comply
- Be capable of being enforced by Trading Standards

Essential Safety Requirements

- Approach taken in other product safety legislation
- Designed to provide a high level of protection
- Outcomes-based approach would address the various risks
- Define the results to be attained but do not specify the technical solutions for doing so
- Principal objective of essential safety requirements:
  - Prevent ignition
  - Prevent spread of fire
- Also:
  - Encourage a reduction in chemical flame retardants
  - Remove barriers to innovation

Proposed Essential Safety Requirements

Essential Safety Requirements for ignition prevention:

Furniture must resist ignition and not readily ignite across any part of the surface area if directly exposed to a flaming or non-flaming ignition source, flame or spark or other potential source of fire

Essential Safety Requirements for spread of fire:

If furniture does ignite it must burn slowly.

Essential Safety Requirements for foam:

Foam used as a filling must fulfil the following conditions:

- must resist ignition and not readily ignite if directly exposed to a flaming or non-flaming ignition source or flame or spark or other potential source of fire.
- must burn slowly and have a low rate of spread.

Proposed Essential Safety Requirements

Essential Safety Requirements for chemical flame retardant:

1. Manufacturers must show application of, in order of priority, the fire-retardant technology hierarchy:
   - Use of inherently fire-retardant materials
   - Design of products to make them more intrinsically fire-resistant without a need for CFR
   - Use of chemical flame retardants
2. Manufacturers / Importers need to ensure they consider the behaviour of target users
   - Any substances added to the article with the aim of meeting the essential fire safety requirements must not jeopardise the safety or health of users or third parties when they are used as intended or in a foreseeable way which considers the behaviour of target users for the expected lifetime of the product.

Labelling

The label has two key roles to fulfil:

- To provide minimum information needed to ensure traceability and assist with the disposal of the article
- To provide information to the consumer to inform consumer choice

OPSS is working closely with DEFRA to consider ways that labelling can be used to ensure our objectives are aligned.

IFF Research Project

- **Consumers unlikely to read current labels (display or permanent) – too much text**
- Consumers assume furniture is fire safe, so pay little attention to label when purchasing
- **Chemical flame retardants are not considered at the point of sale**
- Consumers are removing labels for aesthetic reasons and do not realise disposal implications
- Some believed the label should be segmented to cater for the different audiences and more colours should be used
- **Listing chemicals might be alienating for consumers**
- **https://www.gov.uk/government/publications/consumer-attitudes-to-fire-safety-information-on-furniture**

Proposed label set out in the 2016 consultation

- The words "CARELESSNESS CAUSES FIRE" and "DO NOT REMOVE THIS LABEL"
- The (a) name, (b) registered trade name or registered trademark, and (c) contact address of the manufacturer
- The (a) name, (b) registered trade name or registered trademark, and (c) contact address of the importer (where applicable)
- A type, batch, serial or model number or other element, to enable identification of the product
- A declaration that the article complies with the requirements of the Regulations
- List of chemical flame retardants used AND/OR QR code linking to information on flame retardant chemicals used

Chemical flame retardant labelling – further considerations

- Lack of information on chemicals in furniture hinders effective waste management decisions
- Compatibility with REACH – substances of very high concern over the minimum threshold have to be disclosed
- Useful level of information for consumers
- Any additional costs to providing more information
- Future proofing the label

Proposed Labelling Options

- Label the Chemical Flame Retardants used
- Use a California style tick box 'this product does/does not contain chemical flame retardants'

Scope

Proposed definition of an upholstered furniture product in scope of regulations: *any item of domestic furniture which is ordinarily intended for private use in dwelling and comprises a cover fabric or cover material and a filling.*

Exclusions:

- Exclusions to the scope will be listed
- There are some products for which further evidence being sought such as baby products, small products and outdoor furniture.

Commissioned Research

Research has been commissioned to obtain the necessary evidence relating to the fire risks of specific upholstered products and inform the policy. The following are expected outputs from the research:

1. A systematic review of products identifying holistic hazards and risks associated with fire safety of furniture (risk of catching fire, fuel load and risk of fire spread, chemical exposure from flame retardants, vulnerability of users)
2. An assessment of risk factors and weighting criteria for product types to provide a systematic evidence base to be considered for inclusion/exclusion in the policy
3. Survey results of user behaviour for outdoor furniture behaviours

FFRs - timescales

Policy development (continued dialogue & research)	Formal consultation including draft legislation	Review Reponses- further policy development	New Regulations made
Now – Spring 2021	**Early 2022**	**Mid 2022**	**End 2022**

→ Stakeholder engagement →

Summary of Work

Stakeholder Engagement

Extensive stakeholder engagement has taken place with industries, trade associations, charities and trading standards to obtain a full understanding of the different opinions, evidence available and interests in this policy.

- Two general stakeholder workshops in February 2020
- Two workshops with trading standards officers in October 2020.
- Several individual meetings with stakeholders .

Newsletter

- A quarterly newsletter is now produced by the FFR team
- The second newsletter was published in January 2021
- This reduces the amount of time the policy team spends on reactive emails as stakeholders feel increasingly informed and included.

Governance

- A cross Whitehall steering group oversees the project to inform and share information with OGDs

Summary of Work Continued

Independent expert advice

- A meeting with 13 independent experts took place in September 2020 to discuss the proposed ESRs and scope issues.
- Followed up with emails and individual meetings.
- Broad agreement with our proposals,
- Some areas of concern over baby products and other products which was agreed should be addressed by commissioning further research. A follow up meeting with these experts is planned once the research has been completed.

Development of the draft regulations, consultation doc, PSED and IA

- The intention is to consult in early 2022 if not earlier.
- We have now developed policy positions on most issues, with scope still an outstanding issue for which further research will shortly be commissioned.
- Policy instructions will be sent to legal this month to enable drafting of the new regulations, provisional drafts of the consultation document and IA are in progress.
- We are participating in Public Sector Equality Duty workshops to ensure the policy is inclusive.

Next steps

- Quarterly FFRs policy newsletter – email us if you would like to join our mailing list
- Research on scope to begin February 2022
- We anticipate consulting on proposals early in 2022
- Email us if you have any further ideas
- Email address: furniturefire.safety@beis.gov.uk

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