

## Changes to Furniture Fire Regs not viable, say factories and trade groups

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Proposed changes to the furniture fire and flammability regulations are not viable and leading trade associations and manufacturers are against them, according to a Conservative MP.

Speaking during a Westminster Hall Debate at the House of Commons, Andrew Stephenson MP said leading employers in and around his Pendle constituency — home to Silentnight, Furnico, Clarkson Textiles, Buoyant and others — had expressed deep concerns to him regarding the proposed changes.

The Government launched a consultation into the Furniture and Furnishings (Fire) (Safety) Regulations 1988 earlier this year, with the intention of implementing changes by April 2015.

It wants to improve safety, make furniture greener, and bring cost savings to the industry — all laudable intentions — but all likely to fail if proposed changes are introduced, Mr Stephenson said.

A full transcript of the Westminster Hall debate is pasted at the end of this story, which outlines some detail on the proposed changes and the response from industry groups and producers.

Mr Stephenson said: “In responding to the consultation, industry representative bodies have been clear: neither the Furniture Industry Research Association (FIRA) nor British Furniture Manufacturers (BFM) think the proposals will achieve the aims set out by the Department. They see no evidence that the changes will make the industry greener, save money or, crucially, make furniture more fire safe, and do not think that the changes are viable.”

He added: “The review could and should have involved the material manufacturers, furniture manufacturers and leading test houses right from the start. The UK’s two largest independent test houses, SATRA and FIRA, were not even properly consulted at the start of the process, and FIRA has only recently been able to present its own findings to its members. Most in the industry feel the whole process should be started again, involving the right people from the start, so that more effective proposals can be driven by industry rather than, as some feel, being imposed from above.”

### Full Transcript of Westminster Hall Debate

#### Furniture and Furnishings (Fire Safety)

House of Commons, Westminster Hall Debate

25 November 2014

**Andrew Stephenson (Pendle) (Con):** It is a pleasure to serve under your chairmanship, Mr Crausby. The Furniture and Furnishings (Fire) (Safety) Regulations 1988 set out the levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery. Between 7 August and 7 October the Government ran a consultation on proposed changes and, subject to its results, the Department for Business, Innovation and Skills proposed implementing the changes in April 2015.

I have called for this debate because employers in Pendle have expressed to me their deep concerns about the proposed changes. Pendle’s local economy relies heavily on manufacturing, and a sizeable

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proportion of people work in the furniture sector. Silentnight in Barnoldswick employs around 800 people, sofa manufacturer Buoyant Upholstery in Nelson 800, and Furnico in Pendle around 400. Many other companies are also involved in the sector. Clarkson Textiles, based in Nelson, represents about 25% of the fire-retardant or FR coating market in the UK.

Silentnight was one of the companies that helped with the creation of the existing regulations, implemented 26 years ago. When people such as Iftikhar Mirza, Silentnight's quality assurance and laboratory manager, who was involved in the original process, express concerns, we know that those concerns are not simply a knee-jerk reaction but are based on decades of research and experience.

All those companies are proud of how our fire regulations save lives and help to prevent fires. As the BBC 1 "Fake Britain" investigation into sofas and mattresses back in January showed, if the regulations are not adhered to, the consequences can be deadly. Silentnight even took the opportunity to mention the importance of the regulations to the Prime Minister when I took him to visit the company back in May. I, too, have expressed concerns about enforcement over the years with Ministers, Lancashire trading standards and the Lancashire fire and rescue service.

The Government's consultation on the proposed changes to the regulations sets out some laudable aims, namely to improve safety, to make UK furniture greener and to bring savings to the industry. I will take each aim in turn to explain why I and the businesses that I represent feel that the proposals fail in each and every regard.

On improving safety, the existing test method is a simple pass-or-fail test, and one that I have observed being carried out by local businesses. Fabric arrives at a coating company such as Clarkson Textiles and is treated and certified, or it arrives already treated at a furniture manufacturer and is tested before it is used. The new test introduces a two-tier system, with the additional clause relating to the size of the hole formed during testing.

Offering a choice of tests does not lend itself well to the supply chain in the industry and will make the job of trading standards officers almost impossible. How can trading standards police and prosecute with so many variables in the new test method, such as filling 1, filling 2 or the size of the hole produced on burning? The existing method offers a simple, worst-case test because the foam underneath the material being tested is also flammable. Replacement of that with fire-retardant foam reduces the severity of the test. Inclusion of the polyester fibre in filling 2 goes some way to increasing severity, but it is still not as robust a test, and it therefore runs the risk of leading to less safe furniture.

Proponents of the changes will, I am sure, say that the new regulations, by insisting that all internal components are fire retardant if the size of the hole produced by a flame is over a certain level, will mean that overall the item of furniture will be safer. With respect, however, that is simply not true. The existing regulations provide for a flame-retardant barrier over the furniture against small ignition sources, such as a cigarette or a faulty electrical item. By the time a fire has been able to burn through 40 mm of fabric and foam and got all the way to the internal components of a sofa, we have lost the battle anyway.

It is also worth remembering that when fabric is sent for treatment, it is likely that it will be treated for stock, so it would not be known what kind of furniture that fabric would be used on, or even who would purchase it. Fabrics are not precision-engineered products; variables in yarn type, dye stuff, fabric weight and add-on treatments must all be accounted for. Testing over non-FR foam, as the current test does, gives extra tolerance to allow for such variables.

There is also concern about the removal of the cigarette test on fabrics that have passed the match test. As the European Flame Retardants Association pointed out, it was great to see in the 2012-13 fire statistics report a clear downward trend in fire fatalities, but the report also stated that smokers' materials have caused the largest share of deaths in house fires. With that in mind, is it not a gamble to change the status quo at the very time when the UK can congratulate itself on its fire safety achievements and can continue leading and being an example to other European Union countries?

Concerns have been raised about enforcement of the current regulations—concerns that I have been raising for some time, and which were covered in the BBC “Fake Britain” programme. Introducing new variables, however, and a situation in which sofas would have to be purchased and pulled to pieces to test internal components are unlikely to improve enforcement by trading standards departments, which already have limited resources.

**Mr David Nuttall (Bury North) (Con):** My hon. Friend is making an important case, and one that I am sure Formulated Polymer Products in Ramsbottom, which makes such chemicals, would support. Does he agree that what we need is better and more rigorous enforcement of the existing regulations by trading standards?

**Andrew Stephenson:** I thank my hon. Friend for making that important point. The existing regulations are incredibly effective and have saved many lives; they could save more lives if they were enforced effectively. We should be enforcing the regulations, rather than playing about with them and trying to come up with a new test that I do not think is as robust as the old one.

The second aim of the changes is to make UK furniture greener. Again, that is a laudable aim, and it is based on reducing brominated FR usage by around 50%. Those to whom I have spoken, however, feel that the total level of brominated chemical use quoted by BIS is greatly inflated by the method of calculation. No figures from the chemical or coating industry have been quoted, but it estimates that a total of 12 million to 16 million metres are coated in the UK, not the 65 million metres quoted by BIS. The BIS figure includes leather, loose covers and inherent fabric, which are not treated, so at best the documents exaggerate the level of chemical use in the industry.

Furthermore, with the new test, the application level of chemical per metre will remain the same on many fabrics, as shown by recently published research from FIRA, the Furniture Industry Research Association. In some instances, the application level could increase, and the requirement to make every internal component of the sofa fire retardant if a hole appears during the test means that the likelihood is that far more brominated chemicals will need to be used. A small reduction can be achieved on some simple, lightweight synthetic compositions, as shown by the test results offered by BIS, but, to take us back to the safety point, no fabrics tested included common add-on treatments such as fluorocarbons.

Clarkson Textiles also feels that the changes would hamper innovation and development as it and other companies explore ways to reduce the use of brominated fire retardant. The new test removes the scope for final composite testing. With careful selections of fabric and interlinings, it is already possible to produce a flame-resistant item without FR chemicals, but without final composite testing it would be illegal, because the cover may not pass over foam and fibre as specified in the new test.

We also need to consider the impact of the new regulations on the re-upholstery industry, which is easily overlooked because most of the companies involved are small. They might not even be aware of the changes proposed by the Government. At the moment the re-upholstery industry facilitates

furniture recycling and reuse, helps reduce landfill and therefore helps the environment. As drafted, the proposed new regulations could destroy the sector, because many fabrics that produce a hole when tested could never be used again. The choice would be either to throw the furniture out, which is not good for the environment, or for companies to increase significantly the back coating of the fabrics with far more chemicals, which again is not good for the environment.

The third aim of the changes is to bring savings to the industry—again, a laudable one. The estimated savings projected by BIS, which were calculated on the reduction in chemical application and the removal of the cigarette test, look impressive. However, the unanimous message from the businesses I have spoken to is that the cost savings on fire regulations testing are minimal and are therefore totally outweighed by the introduction of the testing of internal components.

In its consultation response, Buoyant Upholstery clearly sets out why it does not believe the changes will save the industry money. Simply applying 50% less FR coating, even if safe, would, it estimates, save it only something like 10p per metre, whereas ensuring that every internal component is FR treated would impose massive costs on a company that currently has 120 different models in its range and uses over 1,170 different fabrics. Not only would its products need to be redeveloped, but all its floor models in furniture retailers across the country would need replacing. To put that in perspective for a company like Buoyant, the three largest retailers it supplies have 1,186 floor models between them, which have often been supplied at discounted rates.

The cost for UK furniture manufacturers of replacing all those floor models will be significant. Companies such as Buoyant will be hit with costs for product redevelopment and alternative components, increased supply-chain auditing and due diligence costs, increased material costs and so on.

Clarkson Textiles tells me that chemicals represent only around 33 per cent of the coating price—£1.20—meaning that savings to customers would be only between 8p and 20p per metre. If Clarkson Textiles represents 25 per cent of the coating market in the UK, and its total consumption of FR compound is only £1.5 million, it will be impossible to make the savings to industry of £17 million to £50 million that have been quoted by BIS during the consultation.

I turn now to what trade organisations say about the changes. In responding to the consultation, industry representative bodies have been clear: neither the Furniture Industry Research Association nor British Furniture Manufacturers think the proposals will achieve the aims set out by the Department. They see no evidence that the changes will make the industry greener, save money or, crucially, make furniture more fire safe, and do not think that the changes are viable. The National Bed Federation agrees, saying it cannot be sure that the proposals will save money or improve safety, although it recognises that making UK furniture greener is possible and that reducing FRs is becoming ever more important.

Those groups are not resisting the changes for the sake of resisting change. As FIRA makes clear in its consultation response, the industry itself has been calling for a revision of the regulations for many years. As far back as January 2010, meetings were taking place at BIS and a plan was agreed for fully revised regulations to be introduced by 2012. The industry sees change as overdue, but it sees these particular changes as inadequate and incomplete, given the many other amendments that are required and will need to be addressed in future.

I called for this debate after receiving a reply from the Minister, dated 11 November, responding to concerns raised by Joel Rosenblatt, chairman of Buoyant Upholstery. That reply said that the

Department was analysing responses to the consultation, but very much implied that the changes were pretty much a done deal. However, as recently as last Thursday, BIS officials were e-mailing invites to meetings, at short notice, to select parts of the industry only, along with technical documents showing that the proposals have changed again and the reasons for the changes have altered. It would appear that as of last week the changes are no longer about saving fire retardants, but are now about safety; apparently the current regulations do not work.

However, no evidence has been presented for that idea in terms of fires or deaths, and there is no evidence for what the savings will be. The altered proposals seem to ignore the report by the Minister's own Department into the effectiveness of the regulations, which was commissioned from Greenstreet Berman in 2009. That report suggested that between 2002 and 2007 the regulations saved 54 lives, and led to 780 fewer non-fatal casualties and 1,065 fewer fires each year, with savings to the taxpayer valued at about £140 million per year.

I am very supportive of the Government's drive to reduce unnecessary red tape and get our economy back on track. The effects can be seen in my constituency, and Pendle businesses in this sector, such as those I have mentioned, are employing hundreds more people than they were in 2010. However, we need to work with the industry and listen carefully to what businesses are saying. There is general amazement that the biggest review of the regulations since 1988 was conducted essentially by just two people. The review could and should have involved the material manufacturers, furniture manufactures and leading test houses right from the start.

The UK's two largest independent test houses, SATRA and FIRA, were not even properly consulted at the start of the process, and FIRA has only recently been able to present its own findings to its members. Most in the industry feel the whole process should be started again, involving the right people from the start, so that more effective proposals can be driven by industry rather than, as some feel, being imposed from above.

It should not surprise the Minister that the upholstery industry is unhappy with the situation. Most businesses are unaware of the further technical changes that are now being discussed, before the results of the public consultation have even been published. As I said, no one is anti-change, but there is deep concern about the way the Department has gone about this process. Despite all the flaws, the opposition of industry and the clear evidence that the changes fail to achieve any of the intended objectives, the Department still seems keen to press ahead in order to have something implemented by April next year. The current regulations have been in force for 26 years. They are simple, effective and have saved lives. Let us not put that in jeopardy.

**The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Jo Swinson):** It is a great pleasure to serve under your chairmanship, Mr Crausby, in this important debate. I thank my hon. Friend the Member for Pendle (Andrew Stephenson) for raising this issue in the House. The debate is particularly timely because, as he noted, the Department has recently held a consultation on the issue; at the moment, we are considering the consultation responses and thinking about our next steps. I will simply caution in advance that although I will try to respond to some of the issues he has raised today I will not be able to set out a definitive view on exactly what those next steps will be, as that matter is still very much under consideration. However, as I say, that makes today a good time to have this debate, because all the points and arguments he has raised can be considered as part of that process.

I recognise that there are a number of manufacturers in my hon. Friend's constituency who are clearly knowledgeable about and deeply invested in this matter, not just financially but in terms of

the wider safety issues. It is useful that he can bring his expertise to this debate, having spoken to them as their constituency Member. As he set out, in the proposals that we have consulted on we are aiming to achieve better safety and environmental benefits; if there is a benefit to business in the form of savings, that is also helpful. I think we all share those objectives, and I understand the concerns he set out with regard to them. The end result that not just he and I but probably the entire industry want to achieve is a robust, safe system that is not overly burdensome, but in which everyone can none the less have confidence, and excess chemicals do not need to be used. The challenge for all of us is to work out the best path to that; that was the purpose of our consultation on the issue.

In general terms, we have an excellent record on fire safety in the UK, and as the Minister with responsibility for consumer affairs, I am keen to ensure that our enforcement regime and fire safety rules remain fit for purpose. Earlier this year, my hon. Friend got in touch with the Department about imported furniture products that do not properly comply with fire safety regulations, and the concern that some of that furniture might not always have the anti-flammability properties and protections needed for UK safety standards. Not only does that lead to significant safety concerns, but such importers are able to undercut UK businesses that have very high standards and are scrupulous about adhering to our important safety rules.

The matters we are discussing are important and serious. As I explained in my responses to my hon. Friend's earlier inquiries to the Department, we have been through many of the issues carefully with trading standards, which is responsible for enforcing the rules on safety. It is true that non-compliant imports do find their way into the UK in a range of ways. Trading standards is obviously involved clearly and closely in stamping down on that, and it has expressed concern about various issues with enforcement and fabric treatment, including some in the UK, in terms of treatment companies processing fabrics not to an acceptable standard. Many reputable companies do a brilliant job, but there are concerns about somewhere that is not the case.

To help to improve enforcement practice, we are funding a £25,000 project led by Rhondda Cynon Taf trading standards, which is working with five other trading standards departments around the UK to look at compliance of upholstered furniture with the fire safety regulations.

They will gather important evidence about enforcement and deliver a series of recommendations to help us to target that enforcement effectively throughout the furniture supply chain.

A second relevant issue, which has been discussed in the other place, is the Consumer Rights Bill. My colleague Baroness Neville-Rolfe announced that there will be an independent review of product recalls across a range of product safety legislation to consider what information systems exist to inform consumers about product recalls and how well they work in practice. That gives a flavour of how we are looking to improve the enforcement regime, which is a key part of ensuring that the regulations work. However, that depends on the basic safety rules in place, which brings me to the review of fire safety regulations covering furniture and furnishing.

The regulations have generally been a big success, as my hon. Friend the Member for Pendle said. They have ensured that as the furniture market has grown to provide more choice and variety at a range of prices that ordinary people can afford, furniture has stayed safe. He mentioned the statistical report that was commissioned in 2009, which showed excellent safety benefits from the regulations; they have saved around 54 lives a year and prevented nearly 800 casualties and over 1000 fires. UK domestic furniture is probably the safest from fire in the world, which is a record we all wish to maintain.

The regulations are 26 years old, and we recognise that technology and manufacturing processes change and move on, so four years ago, shortly after the election, the Department for Business, Innovation and Skills started a project to look at the rules in depth to ensure that they are still fit for purpose in the context of technological and manufacturing change. It became clear that, as well as modernising the rules, there were several other big issues to address.

One was concern about the high use of certain types of chemicals used as flame retardants to meet our stringent flammability tests. They include the most common brominated flame retardant used in furniture, deca-BDE, which has been banned in the USA and is restricted under REACH, the EU regulation on registration, evaluation, authorisation and restriction of chemicals.

Concerns were identified about how the current test is working, and about the fact that it might not always do what it sets out to do: to prove that the cover fabric being tested will form a barrier to protect the foam or filling underneath. The consultation we launched in the summer had two main aims. We wanted to see if we could find a way to reduce the reliance on dangerous flame retardants, and to find a new test that would not have the problems that we had identified with the current test, particularly because it fails to take account of how fabrics actually perform in furniture in the finished product. If savings can be generated for business, all well and good, although I am sure that hon. Members always want safety to be uppermost in our minds when discussing such issues.

**Andrew Stephenson:** I am heartened by much of what the Minister is saying. She cited what has been done in the USA in banning the use of certain chemicals. There have been reports, and evidence has been produced in the USA, particularly in California, showing a significant increase in the number of domestic fires. I hope that as the Department for Business, Innovation and

Skills moves forward with the proposals, it will look at examples in other countries where banning some chemicals has, unfortunately, undermined consumer safety and led to more fires.

**Jo Swinson:** Clearly, that outcome is the opposite of what we want to achieve. We are analysing carefully the consultation responses, and are happy and keen to look at evidence from around the world, where changes have been made to rules on chemicals, on the impact on consumer safety. If my hon. Friend has specific information, I would be happy to receive it from him.

When we undertook the consultation, we looked at the match test, which is a key test to assess the ignitability of cover fabrics. I want to make three points about the proposal, but we are still considering the responses. We proposed to make the test set-up much more like the way furniture in the home is constructed. Currently, the cover fabric is laid directly next to a highly flammable foam filling—a kind of foam that is now illegal for use in furniture, to which my hon. Friend alluded—and that is believed to be a worst case scenario. Most modern furniture has a lining material between the cover and the filling, so the test conditions are different from the finished product. My hon. Friend suggested that the current test is a worst case scenario, and that if something passes it, it will be fine, but in practice, when fabrics are placed over linings, they may not always be fitted tightly, so air may be present between the fabric and the lining, which means that it may be more ignitable. There is a danger that something could pass the existing test, but when the fabric is in situ in a piece of furniture it may not comply with what was being tested. We must understand that, and the proposal was to have a test that represents much more how a piece of furniture would be used in the home.

The proposed test includes other materials that are now commonly used in furniture below the surface, such as webbing and fibreboard. They are not tested independently at the moment because it is assumed that if the cover passes the match test, it will stop a flame getting into the furniture and setting something on fire. However, our research work to investigate the existing test method suggests that that is not always the case in practice, which is why we want to correct that by introducing a test for other materials. It is important to note that that is intended as a one-off, so the material will be tested, and when it has passed, it will be published in a list of extra materials that can be classified as exempt, whereas the cover fabrics would still have to be tested regularly. We are trying to make the test more realistic and comprehensive.

The third point is to try to make the enforcement challenge for trading standards easier. The problem with the current set-up is that it does not allow for all the variations that can occur in testing because of the interactions between covers that are treated with flame retardants and the foams used in the tests, and the chemical differences that arise because the foam interacts directly with flame retardants on the cover fabrics. Those variations may mean that while doing enforcement activity, trading standards can find covers that have been passed when they should have failed. My hon. Friend pointed out that the variations in fabrics is an issue that make this a challenge. Trading standards has said that the proposed test will be easier to enforce because the pass or fail will be clearer, with a smaller grey area.

As my hon. Friend is aware, the consultation closed just over a month ago. We received a substantial number of responses, and we are continuing to digest everything that has been put to us. I think we all agree that furniture safety is essential. It is great that we have a good record in the UK, and we want it to continue. I understand his concerns and those that various parts of the industry have raised through their Members of Parliament or in the consultation. I am considering them very carefully because we want to get this right. Not every ministerial decision comes with the responsibility that people's lives are at stake, but this is one about which I feel keenly. It is complex and there is a significant need to weigh up the different factors to ensure that we get the right course of action.

I have set out what we want to do on the enforcement side, but the fire safety rules are vital to ensure that the enforcement operation can work. My basic aim is to ensure that any changes that we ultimately make improve the safety regime and deal with some of the difficulties that have been identified with the current tests. That is an area of genuine concern. We must ensure that we understand the concerns that have been raised, and that we move ahead with new regulations that everyone can have confidence in and that will provide the safety that everyone wants

We will listen to the views of my hon. Friend and those who responded to the consultation, and work closely with fire services, trading standards, test houses and the industry to ensure that that happens. I am grateful to my hon. Friend for raising all these concerns. I am sure he will follow the next steps with great interest.

Question put and agreed to.

5pm

Sitting adjourned.

Source : The Furnishing Report.com

[www.thefurnishingreport.com/index.php/markets/trade-industry/2511-changes-to-furniture-fire-regs-not-viable-say-factories-a-trade-associations](http://www.thefurnishingreport.com/index.php/markets/trade-industry/2511-changes-to-furniture-fire-regs-not-viable-say-factories-a-trade-associations)