



Office for Product Safety & Standards

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



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Key Activities

We are pleased to report on the following key activities since our last newsletter:

1. OPSS gathered and reviewed information regarding the costs of flammability testing, labelling, and technical files to understand the impact of the proposed new policy.
2. Research examining existing literature into the risks associated with flammability and exposure to chemicals of upholstered furniture products has concluded and the results are being used to support a decision on the scope of revised regulations. This research will be published in due course.

Predicted timescales



USA implements new furniture fire standard

The United States Consumer Product Safety Commission's (CPSC's) new flammability regulations for upholstered furniture came into effect on June 25 2021. Congress mandated the federal standard for upholstered furniture as part of the 2021 COVID relief law. CPSC's standard adopts the State of California's furniture flammability standard, TB-117-2013, which addresses smouldering ignition.

You can learn more about the new standard here:

<https://www.cpsc.gov/Newsroom/News-Releases/2021/New-Federal-Safety-Standard-for-Upholstered-Furniture-Fires-Goes-into-Effect>

Use of UKCA mark

Since the new UKCA requirement was announced, OPSS has worked closely with industry to help them meet their new obligations under the UK's goods regime.

The Government is aware businesses continue to feel the impact of the Covid-19 pandemic, which has made adapting to the new regime more challenging; and our priority is to support industry and ensure the continued circulation of safe and compliant products on the UK market.

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Therefore, to further support businesses to adapt to the new goods regime, the Government introduced legislation which will allow CE-marked goods to continue to be placed on the GB market (England, Scotland, and Wales) for a further year until 1 January 2023.

The Government has also introduced legislation so that the UKCA marking can be placed on a label affixed to the product or on a document accompanying the product until 31 December 2023. This will apply for most goods requiring UKCA marking. There are different rules for:

- Medical devices
- Construction products
- Marine equipment
- Transportable pressure equipment
- Rail products

We appreciate all businesses' efforts in preparing for the UKCA mark so far. Businesses who have already started using the UKCA mark should continue to do so.

For further information or if you would like to learn more, please visit:

<https://www.gov.uk/government/news/businesses-given-more-time-to-apply-new-product-safety-marking>

Stakeholder Spotlights

National Bed Federation (NBF)

What is your interest to date in the Furniture and Furnishings (Fire) (Safety) Regulations?

The National Bed Federation is a trade association for UK & ROI bed manufacturers and their suppliers. We help members to understand their obligations in relation to product compliance and keep them up to date on any revisions or new developments to standards and regulations.

The filling materials for beds are subject to the requirements of the Furniture and Furnishings (Fire) (Safety) Regulations 1988, and in addition to this, the bed industry has also used a voluntary standard - BS 7177 - to demonstrate the safety of the finished product under the General Product Safety Regulations 2005.

As a trade association, we gain valuable insight and feedback from members on compliance related matters and the modern day challenges they are presented with, including balancing environmental and sustainability goals together with furniture fire safety compliance, and this valuable insight helps us to provide feedback into the consultation process.

What do you see as the main challenges and positives to revising the Furniture and Furnishings (Fire) (Safety) Regulations?

Whilst beds and mattresses are currently tested as finished products (or representative sample) under BS 7177 and therefore potentially already use less flame retardant chemicals than other domestic seating, it could be a challenge to test other more complicated products such as sofas in this way due to the many variables in the design and manufacture of the products.

BEIS OPSS goal is to maintain the current level of fire safety whilst addressing environmental concerns and reducing dependence on the use of flame

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retardant chemicals to ensure compliance with furniture fire safety requirements. It would be a positive step if we can find different routes to demonstrate compliance to allow for greater flexibility in design and material selection which could allow for better innovation and increased use of eco-friendly materials.

What is the main issue that you would like to see come out of the Regulations?

The regulations need to address the safety of the product, but also need to be able to be clearly communicated and understood by a global market.

If risk assessments, testing and technical files are all key elements of a new approach, the industry needs to understand clearly what is required to demonstrate compliance and how consideration and use of alternative materials and design concepts could work in practice to reduce dependency on the use of FR chemicals and therefore promote a more circular economy.

FRETWORK (The Flame Retardant Textiles Network)

What is your interest to date in the Furniture and Furnishings (Fire) (Safety) Regulations?

FRETWORK is a network which brings together a group of companies from the section of the upholstery and mattress supply chain that processes textiles. Our group includes chemical manufacturers, chemical formulators, textile processors, companies who supply finished textiles and companies who manufacture upholstery. Many companies in our network are SMEs and networking is the best way to ensure they have a voice, receive up to date information and can work to raise our mutual standards.

Working with the present FFRs is everyday work for these companies and the outcome of the ongoing review is therefore of great interest. Our Code of Good Practice refers to CPE (Custom, Practice and Experience) and this emphasises very much our practical approach to the FFRs.

What do you see as the main challenges and positives to revising the Furniture and Furnishings (Fire) (Safety) Regulations?

There are two distinct areas where the review of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 presents challenges and positives that are at the heart of our discussions.

1) The existing FFRs are very good at recognising and managing the fire safety risks presented by two different types of ignition: open flame and smoulder ignition sources. Over the last decade, knowledge and understanding of smouldering ignition has come a long way, and it is positive that the existing Regulations successfully deal with the problem of smouldering ignition as we understand it today, through a recognition of key characteristics that pose a significant risk, namely Smoke and Toxic Fumes (STF), which are a chief cause of injury and death in a domestic fire. Each version of the BSI test method BS 5852 emphasised the significance of smouldering ignition in achieving fire safety with the following caution: "It cannot be assumed that protection against large flaming sources will automatically give protection against smouldering ignition. It is therefore necessary to submit test specimens to both smouldering and flaming ignition sources". It is significant that the fresh understanding of smouldering ignition emphasises the importance of its physical nature and thus allows us to design out risks without the use of flame retardants. The review is an opportunity to ensure that the new testing regime emphasises the importance of testing and that focusing on (even vilifying)

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certain materials, as the existing FFRs do in the case of polyurethane foam, serves little purpose, as other materials may present similar problems due to their physical characteristics. The review highlights the need to evaluate new materials, but we must make sure we do not expect products to be safe simply because different materials are used.

2) It is positive that the new approach will make some important changes to the regulations, not least, removing the British Standards testing regime from the Regulations and focusing on essential safety requirements. As an example, we may take the soak test: For whatever reason – and the FFRs give none – the soak test was made part of the Regulations and not part of the testing regime. It was a legal requirement rather than a test method. It is more normal for such matters to be dealt with as part of a Standard and for legislation to set out the requirements. The revocation of the existing FFRs at the start of the proposed new approach will remove this anomaly (and others).

What is the main issue that you would like to see come out of the Regulations?

Though we recognise, accept, and understand the various issues at the heart of this review, FRETWORK's discussions have always found one common issue: we believe it is important that the review properly recognises and understands the nature of the industry it seeks to regulate. This includes an understanding that the UK upholstery manufacturing industry is highly developed in providing products that routinely take comfort, cost, design, material sourcing, use, and fire safety into account.

The conclusion of this review must ensure that we have a regulatory regime that protects the consumer. The requirements must be clear and capable of ensuring this. This review is not about protecting an important British Industry, but it must not be done in a way that compromises or damages it. We will gain nothing if we create an improved regulatory regime and lose an industry!

If you'd like to feature in the Stakeholder Spotlight section of a future newsletter, and to be added to our mailing list, please email: furniturefire.safety@beis.gov.uk

Making regulation work