

# **The fire safety of domestic upholstered furniture**

A product safety policy paper

22 January 2025

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## Ministerial Foreword

Since the 1980s, the UK has been a world leader in furniture fire safety. The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (FFRs) were introduced to save lives threatened by highly flammable materials used to manufacture upholstered furniture.

The protection and safety of consumers is an important issue for this Government. That is why I am pleased to be delivering important changes to update the FFRs, paving the way for a new approach that ensures the UK continues to have the strongest product safety standards for domestic upholstered furniture.

Our reforms must be ambitious and reconcile complex and competing challenges, to keep consumers safe. I am pleased to set out today the action the Government is taking now to address concerns about chemical flame retardants in baby and children's products, without compromising on fire safety. We will make these changes alongside amendments to labelling requirements and enforcement provisions.

These changes represent the first steps to reforming the way in which upholstered furniture is regulated. Later this year, following further stakeholder engagement, I intend to go further, setting out final positions and clear timelines for implementing a new regulatory approach in full and for the publication of new British Standards to support businesses to comply with it.

The core mission of this Government is to grow the British economy to serve the interests of working people. That means setting clear policy directions and, in some cases, taking tough decisions to support UK businesses while also ensuring that consumers are kept safe. We must grasp this important issue, consider the full range of evidence and views and find the right approach to move forward.

This represents an early step in reforming our product safety regulatory framework, as we modernise and prepare it for the challenges of the digital age. We will maintain a high level of fire safety and facilitate a reduction in the use of chemical flame retardants, to protect consumers while unleashing innovation and ensuring the framework is agile to respond to emerging risks and opportunities.

Alongside this plan for moving forward I am publishing a summary of responses to the consultation published in August 2023, '*Smarter Regulation: The new approach to the fire safety of domestic upholstered furniture*'. The views and insight provided by businesses, trade associations and others, including those received in response to the 2023 consultation, demonstrate the wealth of passion and expertise we have in the UK furniture industry, including among small businesses and re-upholsterers.

I look forward to working with you to deliver a new approach that protects consumers and supports businesses to thrive.

**Justin Madders MP**

**Minister for Employment Rights, Competition and Markets**

## The fire safety of domestic upholstered furniture

1. The Government believes that the fire safety of domestic upholstered furniture must be reformed and updated. The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (FFRs) have contributed significantly to protecting consumers for more than three decades but are out of step with modern approaches to product safety and are increasingly a potential barrier to innovation and the circular economy.
2. Successive Governments have worked with stakeholders to build a substantive evidence base supporting and informing change. This includes an increasing body of evidence to support action to reduce the volume of chemical flame retardants (CFRs) which are used to ensure that upholstered furniture passes flammability tests.
3. Over the last decade, there have been a number of consultations proposing changes to the FFRs, the most recent of which took place between 2 August and 24 October 2023. That consultation sought views on proposals for a new approach to replace the FFRs which aimed to maintain and improve fire safety while allowing for manufacturing innovation, improved compliance and enforcement, and facilitating a reduction in the use of CFRs.
4. The feedback received during the consultation process was instructive and highlighted areas of broad consensus as well as a number of workstreams that require further work in order to ensure the requirements are proportionate. That feedback and the evidence base developed by the Office for Product Safety and Standards, will be used by the Government to take this policy issue forward.
5. In the interests of transparency, a summary of the responses received to the 2023 consultation, and a list of responding organisations, have been published alongside this policy paper.
6. This paper addresses each of the key themes within the furniture fire safety policy space and provides instructive commentary and sets out the Government's intentions for the implementation of a new regulatory approach. It highlights key challenges to work through which the Government will focus on over the next 12 months in order to finalise the reforms that will continue to protect consumers and provide the certainty that businesses need to invest in this important sector.
7. It also highlights action that the Government intends to take immediately, by way of amendments to the FFRs, to ensure that some benefits can be delivered, while those key decisions are taken about future policy direction.
8. This work coincides with the Product Regulation and Metrology Bill that was announced in the King's Speech on 17 July and introduced in Parliament on 4

September.<sup>1</sup> The Bill will preserve the UK's status as a global leader in product regulation, supporting businesses and protecting consumers.

9. In parallel with the 2023 furniture fire safety consultation, another consultation was published that sought views on wider proposals for reforming the UK's product safety framework. A response to that consultation was published in the Libraries of the Houses of Lords and Commons on 30 October and is available on gov.uk.<sup>2</sup>
10. The ongoing review of furniture fire safety represents a first step in a series of sector reviews the Government is planning to undertake to update and streamline the framework to ensure it can address the challenges we face now and in the future.

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<sup>1</sup> <https://bills.parliament.uk/bills/3752>

<sup>2</sup> <https://www.gov.uk/government/consultations/smarter-regulation-uk-product-safety-review>

## **Theme 1 – Defining responsibilities, scope and definitions**

11. The way that obligations placed on businesses are set out in the FFRs is out of step with modern approaches to product safety. The Government intends for manufacturers, importers and further suppliers of upholstered furniture to have clear duties to ensure that the products they supply are safe. Re-upholsterers should also have clear obligations. We acknowledge that this represents a significant change from component-based regulation in the FFRs, as well as the concerns raised by stakeholders about no longer placing obligations on those that supply materials for use in furniture are also noted.
12. It is the Government's intention to ensure that obligations reflect businesses' responsibilities, are proportionate and that they are brought in line with other product safety legislation. Powers that we are seeking to take through the Product Regulation and Metrology Bill will enable us to update the product safety regulatory framework, to take account of modern and global supply chains, including online marketplaces. Following passage, we will ensure the furniture fire safety requirements are consistent with the approach taken across the framework.
13. We will build on scope proposals set out in the 2023 consultation. The product scope will be set by an overarching definition of domestic upholstered products, and that will be supplemented by a list of excluded products. This will ensure that there is greater clarity for businesses about which products fall in scope, to ensure consistent compliance.
14. The Government welcomes the broad consensus among stakeholders supporting the proposed product scope proposals put forward in that consultation. We will maintain the exemption for products manufactured prior to 1950 and, following feedback from re-upholsterers in particular, further consideration will be given to the status of natural materials to ensure that products made with natural materials are fire safe, while obligations and testing requirements are proportionate, and evidence based.
15. The proposed size cut-offs for certain products, such as scatter cushions and modular mattresses, will also be given further consideration to ensure that where size cut-offs are used, they are clear to businesses, are based on any easily understandable rationale and best address the fire risk posed by those products.
16. For outdoor products, the Government considers there to be a strong argument for keeping them in scope of the regulations and will work with stakeholders to revise the proposal to ensure it better manages the risks ahead of laying the legislation. Legitimate concerns were raised that outdoor products will continue to be used or stored inside despite a warning label being attached.
17. Given the wide support received for the removal of certain baby and children's products from scope, the Government will bring forward amendments to the

FFRs to remove them from scope as soon as parliamentary time allows. The evidence indicates this will reduce babies' and children's exposure to CFRs, where that exposure risk is greater than the fire risk posed by those products.

18. This change, in advance of longer term reforms, will include additional products that were identified during the 2023 consultation, and which have been assessed using the methodology applied to the proposed list of exempted products. A full list of baby and children's products to be removed from the FFRs is at Annex A. We will monitor the impact of those products being removed from the scope of the FFRs, with the intention of their remaining out of scope when new regulations are implemented, unless evidence supports taking a different approach.
19. The Government will continue to work on a cross-departmental basis to ensure that greater clarity is given on the settings captured by amended regulations and to ensure overlap with the Regulatory Reform (Fire Safety) Order 2005, which regulates upholstered furniture fire safety in non-domestic settings, is avoided where possible. Private and social rented accommodation, Houses of Multiple Occupancy and holiday/short-term lets, will remain in scope, maintaining the remit of the FFRs.

## **Theme 2 - Product compliance requirements**

20. The Government is committed to implementing new regulations with robust essential safety requirements (ESRs) and to the principles of final item and representative sample testing. The ESRs will better reflect the safety of products as they exist in the modern home by preventing or delaying ignition when a product is exposed to relevant ignition sources.
21. We acknowledge the concerns about the viability of final item testing for bespoke products and will work closely with stakeholders in the sector in the coming months to develop a suitable solution that supports the bespoke sector to thrive and ensures the safety of consumers. Similar concerns were expressed by the made to order sector, who offer consumers a choice of cover and fillings, but were concerned testing changes could impact the viability of that model. We also recognise the concerns raised about open-flame and separate foam testing, and will ensure that testing requirements allow for a reduction in the current use of CFRs, while maintaining a high level of fire safety.
22. A number of stakeholders have expressed concern that a proposed ESR for foam would undermine the transition to final item testing, and the reduction in CFRs that could facilitate. Conversely, other stakeholders contended that other filling materials should also be subject to distinct flammability requirements, saying that foam is not the only filling material that requires particular consideration. The Government will work with stakeholders to carefully consider this issue, but remains committed to ensuring that the highly flammable non-combustion-

modified foam prevalent before the introduction of the FFRs, does not come back into use and present a potentially catastrophic fire hazard.

23. The Government will give more thought to the merits of introducing a Flame-Retardant Technology Hierarchy (FRTH) as part of a package of measures to support a reduction in CFR use, and facilitate innovative ways of producing fire safe furniture. While the majority of stakeholders support the principle of a FRTH, some feel it should go further to better encourage a reduction in the use of CFRs and question how much impact it would have on manufacturer choice. Conversely, others have expressed concern about how much of a burden it places on businesses and whether it is appropriate to steer manufacturers away from using chemicals where they are being used in accordance with wider UK chemical legislation. We will consider the objectives and likely effectiveness of the FRTH in the context of feedback received to ensure that, if retained, it contributes effectively to reducing the use of CFRs while supporting innovation.
24. The Government also acknowledges strong stakeholder feedback that new British Standards are required to support compliance. The Office for Product Safety and Standards (OPSS) is working with the British Standards Institution (BSI) to expedite new standards with the clear aim that standards are available for the start of any transitional period. We will set out a clear timeline for delivery of new standards alongside our detailed plans for a new approach later this year. In order to realise the benefits of new regulations as soon as possible, we will also consider alternate solutions for supporting business compliance if new standards are not available when necessary.
25. We will also give further thought to the issue of conformity assessment and accreditation. It is clear that the FFRs do not require appropriate oversight of those carrying out testing and are out of step with other product sectors and the UK's Accreditation Policy. The amended policy will address that, while ensuring that requirements are proportionate and informed by current industry best practice.

### **Theme 3 – Information Provision (product labelling and technical documentation)**

26. The Government believes that provision of compliance and traceability information to consumers, enforcement authorities and to waste disposal operatives should be improved. Implementing that will support more informed consumer choices and more effective enforcement as well as the circular economy and second-hand sales.
27. The Government welcomes stakeholder support for removing the display label and will bring forward amendments to the FFRs to remove this requirement early



this year. This represents an immediate saving for businesses without compromising consumer safety.

28. Current labelling requirements will be simplified in the longer term too, consolidating labelling to a single new permanent label that will provide clear supply chain information to better enable enforcement officers to trace a product back to its place of manufacture, via importers, distributors and further suppliers.
29. While there was broad support for increasing chemical traceability to support consumer choices, product circularity and safe disposal of products at the end of life, some stakeholders raised concerns about the difficulty in obtaining information on CFRs from suppliers and the cost implications for businesses.
30. The Government has committed to reducing waste by moving to a circular economy and the Secretary of State for Environment, Food and Rural Affairs has asked DEFRA officials to work across Government and with experts from industry, academia and civil society to develop a Circular Economy Strategy for England. The Government also remains committed to improving the communication of information about CFRs used in upholstered furniture but notes the challenges some stakeholders presented in obtaining information from further up the supply chain.
31. Officials in OPSS will continue to work closely with DEFRA regarding the provision of chemical information, including through digital means, and will provide an update later this year. DEFRA is considering more broadly how best to improve the availability and communication of information on chemicals in products across supply chains. They have commissioned research to explore the technical aspects of Digital Product Passports that will be completed and published in 2025.
32. Stakeholders have expressed mixed views on proposals to expand technical file requirements, including concerns about new burdens. The Government will further consider what content should be included in technical files to ensure obligations are proportionate but believes that extending the length of time for retaining them to 10 years represents commensurate change. Implementing that will better reflect the average lifespan of products to which they apply and bring requirements into line with other product sectors.

#### **Theme 4 – Re-upholstery and second-hand**

33. The Government is committed to delivering reforms to the re-upholstery and second-hand sectors that ensure that these products are safe. However, it is not the Government's intention to increase burdens on small and medium-sized businesses or require the unnecessary use of chemical flame retardants when employing traditional upholstery methods.

34. New regulations will need to ensure products remain fire safe following re-upholstery and repair, while recognising that obligations should be proportionate and safeguard the future of the re-upholstery industry.
35. It is clear from the evidence gathered in the 2023 consultation that there are divergent interpretations of the existing requirements, including for natural materials and second-hand products, which had a direct impact on how those proposals were perceived.
36. With that in mind, the Government will undertake further work in the coming months with the re-upholstery sector to better understand existing compliance challenges and find a suitable solution that protects consumers without over-burdening businesses, before implementing reforms.
37. It was proposed in the 2023 consultation that re-upholsterers would be responsible for carrying out a conformity assessment procedure, retain evidence that appropriate testing had been carried out on upholstery they supply and that a new re-upholstery permanent label would be applied in addition to the product's existing permanent label. Some stakeholders welcomed the proposals to clarify and strengthen requirements for re-upholstered products, but the majority felt that the proposals were too burdensome on an industry made up predominantly of SMEs and microbusinesses, suggesting that more onus should be placed on material suppliers. It was also felt that the proposals did not allow for a reduction in the use of CFRs through the use of barrier materials and traditional upholstery methods.
38. The change that the Government is bringing forward now to remove display labels will represent an immediate simplification of the requirements for second-hand products. Beyond that initial change, further consideration will be given to second-hand product requirements to ensure the correct balance is struck to support the second-hand market with ensuring that products remain fire safe when they are resupplied.

## **Theme 5 – Implementation, enforcement and statutory review**

39. The Government notes concerns expressed by businesses about the speed at which new regulations can be understood and complied with and will ensure that in the longer term when new regulations are introduced, they come with an appropriate transitional period. Following specific feedback that new standards must be ready in good time to support compliance, we will continue to work with BSI to expedite new standards with the aim of making them available for the start of that transitional period, and will consider alternate solutions for supporting

business compliance with those new regulations if new standards are not available when necessary.

40. The Government will bring forward amendments to the FFRs early this year to extend the enforcement window to 12 months. Strong arguments to extend the enforcement window beyond 12 months, and to start the clock from the discovery of an offence were presented by stakeholders but, currently reforms are limited by the legal powers granted in the Consumer Protection Act 1987. This is another area where new powers in the Product Regulation and Metrology Bill will enable the Government to act. Going forward we will consider further extending the enforcement window available under new regulations, using those powers when they are available.
41. The Government remains committed to carefully evaluating the impact of implementing change. As such, the amendments to the FFRs will inform the longer-term reforms and a 5-year review clause will be included in new regulations.

## **Theme 6 – Impacts**

42. The full impact assessment, published alongside the 2023 consultation, set out costs and benefits of implementing the proposed changes, based on available data and evidence previously provided by stakeholders.
43. Stakeholders agreed that it was difficult to assess testing costs without the new British Standards being published. Some felt that costs associated with final item testing, familiarisation and labelling were underestimated, while other costs such as test lab accreditation and purchasing new British Standards had not been considered.
44. The Government welcomes feedback on its assessment of the impacts of the proposals. We are grateful for the evidence and data provided by stakeholders and will use it to review the Impact Assessment as the policy is updated and amended.

## Next steps

45. The Government recognises the important role specific regulations for domestic upholstered furniture fire safety play in keeping UK consumers safe and is committed to delivering reforms that maintain a high level of fire safety while facilitating a reduction in the use of chemical flame retardants.
46. In the coming months, we will work with stakeholders to refine a number of key proposals to ensure that new legislation delivers the intended outcomes for both consumers and businesses. Government will provide an update later this year, setting out the final position on the remaining issues highlighted in this document and a roadmap for implementing changes.
47. However, the Government will be taking immediate action to amend the FFRs based on evidence collected in consultation responses. Changes to the existing legislation will be made this as soon as parliamentary time allows and will take effect six months later, in line with obligations under the UK's World Trade Organisation commitments. The amendments are as follows:
- Remove certain baby and children's products from scope of the FFRs, where evidence supports their removal from scope. This will reduce babies' and children's exposure to CFRs where the risk of exposure to potentially harmful chemicals is greater than the fire risk posed by those products. (A list of the products being removed from scope has been included at Annex A);
  - Remove the requirement for manufacturers to affix a display label to new products, reflecting the limited value of the display label; and
  - Extend the time frame for instituting legal proceedings from 6 – 12 months, providing the right tools for effective enforcement.
48. Those changes will be communicated with stakeholders and supporting guidance will be published on gov.uk.

## ANNEX A – Full list of baby and children’s products to be removed from scope of the FFRs.

- a. Mattresses intended for use by babies and children, if the length is less than 170 cm and the width is less than 75 cm
- b. Modular mattresses intended for use by babies and children, if the largest component has a length of less than 170 cm and a width of less than 75 cm
- c. Upholstery designed to be used with baby furniture
- d. Play pens
- e. Car seats
- f. Play mats
- g. Baby changing mats
- h. Prams, pushchairs, buggies and strollers
- i. Carry cots, bassinets, Moses baskets, travel cots, cribs and cradles
- j. Cot bumpers
- k. Upholstered bed side barriers intended to be used to prevent a child falling out of bed
- l. Baby rockers and bouncers
- m. Baby nests
- n. Baby’s highchairs and lowchairs
- o. Chair-mounted and table-mounted children’s booster seats
- p. Baby walkers

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