2016-041

EFIC
European Furniture Industries Confederation

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Industries Confederation
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November 10, 2016

Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Letter accompanying the response to the Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations (FFRs).

Please accept this letter as a part of our formal reply to your consultation. The European Furniture Industries Confederation represents the furniture industry in 12 European countries, accounting for more than 70 percent of all furniture production in Europe.

EFIC is concerned with the existing requirements set by the FFRs and with the proposal for changes as they won't substantially and positively change the status quo.

While sharing your opinion[1] that the current FFRs are in need of revision and your objective to reduce the need for flame retardant chemicals in furniture, the proposed changes are far from fulfilling these intentions. In fact, the revised test criteria still require a complex system of testing methods and routes for compliance, they impose high costs in the production and the need for flame retardants to comply still remains.

The following reasons support the arguments that the current proposal for revision is not a suitable compromise and it does not improve the current situation.

The FFRs are ineffective

In the Technical Paper[2] prepared by the BIS in October 2014 the current FFRs are hailed as a great success due to the reduction in domestic fires since their introduction, but that little work has been done to "identify any weak elements in the Regulations, despite the fact they were somewhat rushed into existence." Later in the same Technical Paper the BIS states that "It is possible to demonstrate in full scale tests that the Regulations are ineffective."

The perceived success of the Regulations is not based on the effectiveness of the test method, but on the "reduction in domestic fires since the introduction of the Regulations." This perception still leaves a reasonable doubt towards the real reasons behind the registered decrease. It seems to assume that all households in the UK changed their furniture in 1988 without duly assessing the impact of other factors such as the introduction of smoke detectors and less people smoking, or other behavioural changes in society.

The FFRs constitute a barrier to trade in the internal market.

Most EU Member States do not impose fire safety requirements for domestic furniture. Some Member States apply the cigarette test (EN 1021-1). Only the UK and Ireland have national

[1] Furniture and furnishings fire safety regulations: proposed changes - impact assessment
[2] Technical Paper: Systematic Rationale for Modification of the Furniture & Furnishings (Fire) (Safety) Regulations

regulations in place imposing specific requirements and test methods. The FFRs have a strong economic impact on furniture producers and distributors from other member states, increasing disproportionately the costs for placing furniture on the UK market. For this reason, companies are often exporting a smaller range of products to, or totally avoiding the UK market. There is little evidence to support that upholstered furniture in the United Kingdom poses a higher risk than upholstered furniture in the rest of Europe, and in effect, there should not be the need for more stringent regulations in the UK. The BEIS goes far in confirming this in the Impact Assessment stating "We do not have comparative data which allows us to assess whether the UK regulations actually lead to safer furniture than in the rest of the EU".

The FFRs do not diminish the use of flame retardant chemicals

The proposed Regulations does little to reduce the quantity of flame retardants needed to comply with the test, thus the UK population will continue to be exposed to potentially hazardous chemicals. Adverse consequences from the use of flame retardants are well known and documented by science. Flame retardants put the consumers' safety at risk in their own domestic environment. The BEIS is considering these arguments and listing a number of studies demonstrating the health and environmental risks connected with flame retardants use.[3] The choice to propose the removal of the cigarette test while keeping an open flame test is therefore surprising, as the latter leads to more flame retardant use.

In conclusion, EFIC does not agree with the proposed update of the Regulation as it maintains the existing barrier to trade, and it may even lead to more use of hazardous flame retardant chemicals, opposite of the rationale for changing the tests. Furniture should not be subject to requirements that lead to the use of flame retardant chemicals.

Proposed solution

EFIC proposes a harmonised smoulder ignition test in the EU, and removing open flame tests for furniture products as they lead to the use of flame retardant chemicals. The cigarette test (EN 1021-1), is a more suitable test to ensure fire safety for upholstered furniture, while increasing consumers' protection from potentially hazardous chemicals.

We would also like to use this opportunity to inform you that we are simultaneously launching a formal complaint to the European Commission on the existing Furniture and Furnishings (Fire) (Safety) Regulations (FFRs) for breach of the principle of free movement of goods under article 34 of the Treaty on the Functioning of the European Union.

We hope you will take our comments into account, and welcome any future dialogue on the issue.

Best regards,

[3] Impact assessment, Annex 1 - Brief list of reference material regarding the effects of FRs on health/environment

Department for
Business, Energy
& Industrial Strategy

Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations (FFRs) response form

The consultation is available at: www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016

The closing date for responses is **11 November 2016**.

The form can be submitted by email to: furniture.consultation2016@bis.gsi.gov.uk or submitted by letter to:

[redacted]
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street
London
SW1H 0ET

Please be aware that we intend to publish all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the section on confidentiality and data protection on page 7 of the consultation for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: Click here to enter text.

Questions

Name: [redacted]
Organisation (if applicable): European Furniture Industries Confederation (EFIC)
Address: Rue Montoyer 24, 1000 Brussels, Belgium

	Respondent type
☒	Business representative organisation/trade body
☐	Central government
☐	Charity or social enterprise
☐	Individual
☐	Test House
☐	Manufacturer
☐	Retailer
☐	Large business (over 250 staff)
☐	Legal representative
☐	Local government
☐	Medium business (50 to 250 staff)
☐	Micro business (up to 9 staff)
☐	Small business (10 to 49 staff)
☐	Trade union or staff association
☐	Other (please describe)

Questions on scope

Q1 Do you agree with the revised definition of the Regulation's scope?

☐ Yes ☒ No ☐ Not sure

Comments: EFIC does not agree with the proposed update of the Regulation as it may lead to more use of hazardous flame retardant chemicals, opposite of the rationale for changing the tests. Furniture should not be subject to requirements that lead to the use of flame retardant chemicals. The cigarette test (EN 1021-1) is a more suitable test for upholstered furniture. EFIC proposes a harmonised smoulder ignition test in the EU, and removing the open flame tests as they lead to the use of flame retardant chemicals.

Q2 Do you agree with the proposals relating to sleeping bags and mattress protectors (i.e. those which can be put in a washing machine are explicitly removed from scope and do not have to meet the requirements of the regulations)?

☐ Yes ☐ No ☒ Not sure

Comments:

Q3 Do you agree with the proposals relating to cushions and seat pads (i.e. that they remain excluded from cover tests but the definition of these products to be specified more clearly)?

☐ Yes ☐ No ☒ Not sure

Comments: It makes sense to exclude cushions and seat pads from the cover tests, as their inclusion would lead to even more unnecessary use of flame retardant chemicals.

Q4 Do you agree with the proposals relating to outdoor furniture (i.e. that outdoor furniture unsuitable for use inside the home, and clearly labelled as not complying with the Regulations) should be out of scope?

☒ Yes ☐ No ☐ Not sure

Comments: There should be no need for stringent flammability requirements for furniture intended for outdoor use.

Q5 Do you agree with the proposals relating to baby products (i.e. that items covered by covered by BS EN1888 (wheeled child conveyances) and BS EN1466 (carry cots and stands) are removed from scope, with padded playpens treated in the same way as mattresses)?

☐ Yes ☐ No ☒ Not sure

Comments: Baby products, and products that children come into contact with should not be subject to requirements that lead to the use of flame retardant chemicals.

Q6 Do you agree with the proposed treatment of second-hand products (i.e. that they would be required to bear the relevant permanent label)?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Q8 Do you agree that the specifications set out in the draft Regulations for the test foam and fibre wrap are sufficient to achieve the objectives of the Regulations?

☐ Yes ☐ No ☒ Not sure

Comments:

Q9a Do you agree that the regulations should provide a protective cover option?

☐ Yes ☐ No ☒ Not sure

Comments: Furniture should not be subject to requirements that lead to the use of flame retardant chemicals. It is not clear whether flame retardant use will be reduced or increased with a protective cover or interliner route. In the case of soft upholsteries, it is extremely difficult to find an interliner that does not compromise the aesthetics.

Q9b If yes, do you agree with our proposed definition of protectiveness?

☐ Yes ☒ No ☐ Not sure

Comments: EFIC is worried that the stringency of the protectiveness requirements will lead to more use of flame retardants in the cover fabric.

Q10 Do you agree with the proposed requirements for components close to the cover?

☐ Yes ☒ No ☐ Not sure

Comments: EFIC is concerned that this requirement will lead to an increase in testing and expenses.

Q11 Do you agree that there is no need for the cigarette test for covers that pass the revised match test?

☐ Yes ☒ No ☐ Not sure

Comments: The cigarette test (EN 1021-1) is a more suitable test for upholstered furniture. EFIC proposes a harmonised smoulder ignition test in the EU, and removing open flame tests as they lead to the use of flame retardant chemicals.

For business respondents:

Q12 Which of the routes to compliance do you expect to follow for most of your products?

☐ Schedule 3 interliner ☐ Protective cover

☐ Non-protective cover + compliant components ☒ Not sure

Comments: The route to compliance will differ from producer to producer. Many producers will choose not to sell to the UK market as compliance is too expensive, or to avoid the risk of cross contamination of flame retardants to other products. The range of products and materials used for the UK market is smaller than what is offered to the European market, due to the specific testing requirements in the UK.

Q13a What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

☐ Increase ☐ Decrease ☐ No change ☒ Not sure

Comments: The impact will differ according to the material choice of each product/producer. Several producers have argued that the cover requirements will lead to an increase in the use of flame retardant chemicals.

Q13b What do you expect the impact of the testing proposals to be on your overall use of flame retardants?

☐ Increase ☐ Decrease ☐ No change ☒ Not sure

Comments: The impact will differ according to the compliance route of each product/producer. Several producers have argued that the Regulations will lead to an overall increase in the use of flame retardant chemicals.

Questions on traceability and enforcement

Q14 Do you agree with the product record/technical file requirements for manufacturers and importers?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Q15a Do you agree with the requirements for the single permanent label, and the proposal to remove the requirement for additional display labels?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Q15b What do you think is the most effective means of conveying the use of flame retardants in the cover of this product eg by text, symbol?

Comments: Furniture containing flame retardants should be clearly marked for consumer protection. However, the correct approach would be to enforce flammability requirements that do not lead to the use of flame retardant chemicals as

a first step, then introduce labelling requirements for those who still choose to use flame retardants.

Other questions on the proposals

Q16 Do you agree that a 24 month transition period is sufficient, and that the changes should be reviewed in five years?

☐ Yes ☐ No ☒ Not sure

Comments: EFIC does not agree with the proposed changes, even though EFIC agrees that the Regulation needs to be updated or removed.

Q17 Do you have any other comments on the proposals or draft regulations?

☒ Yes ☐ No ☐ Not sure

Comments:

EFIC does not agree with the proposed update of the Regulation as it may lead to more use of hazardous flame retardant chemicals, opposite of the rationale for changing the tests. Furniture should not be subject to requirements that lead to the use of flame retardant chemicals. The cigarette test (EN 1021-1) is a more suitable test for upholstered furniture. EFIC proposes a harmonised smoulder ignition test in the EU, and removing open flame tests as they lead to the use of flame retardant chemicals. Please see the attached letter further explaining our position.

Questions on the Impact Assessment

Q18 Do you agree with our estimate of traceability time in the Impact Assessment – ie one-off input of 16 hours per firm and ongoing per year time of 48 hours per firm? If not can you provide additional evidence to support your answer?

☐ Yes ☐ No ☒ Not sure

Comments: Normally it will be more time consuming for each company to handle such issues.

Q19 How much do you estimate you would save per year from the removal of the cigarette test?

Amount saved: Click here to enter text.

☒ Nothing ☐ Not sure

Q20 How much do you estimate you would save per year from reduced use of flame retardants?

Amount saved: This depends on the actual impact the Regulations have on flame retardant use.

☐ Nothing ☒ Not sure

Q21 Are you aware of any further costs or benefits we have not identified in the impact assessment? Please support with any evidence you have.

☒ Yes ☐ No ☐ Not sure

Comments: The proposed Regulations seem to introduce a more complex testing regime than the one already in place, enlarging the scope and the number of components to be tested. The cost of compliance with the tests together with the actual costs of testing places an economic burden on producers. All this upholds and reinforces the existing barrier to trade in the internal market. There seems to lack a necessary explanation to why domestic furniture in the UK needs more stringent flammability requirements than the rest of Europe. Moreover, the use of flame retardant chemicals will still be needed, and the impacts on health and the environment, and the quality and durability of products are well known.

Q22 To what extent do you agree that, overall, these proposals represent a reasonable compromise – bearing in mind the information in this consultation document, feedback on the previous (2014) consultation, and other stakeholder input during the review?

☐ Strongly Agree ☐ Agree ☐ Not sure ☐ Disagree ☒ Strongly Disagree

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☒

At BEIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

☒Yes ☐No

BEIS/16/11/RF