2016-055

Response ID ANON-F7WP-2999-1

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-08 15:44:06**

Introduction

1 What is your name?

Name:
[redacted]

2 What is your email address?

Email:
[redacted]

Yes

3 What is your organisation?

Organisation:
Green Textile Consultants Ltd

4 How would you classify your organisation?

Organisation type:
Micro business (up to 9 staff)

Other - please describe here:

Scope

5 The proposed regulations cover any item of domestic furniture which is ordinarily intended for private use in a dwelling and comprises a cover fabric and a filling.Do you agree with the revised definition of the Regulation's scope?

Yes

Comment box:
Overall the changes are more clear than previous legislation

6 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

Comment box:
As long as items are clearly labelled "WASHABLE"

7 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

Comment box:

8 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?

No

Comment box:
Because NON FR furniture is likely to be cheaper to purchase I believe there is a significant risk that consumers will buy "outdoor" furniture for use inside the home even though it has a label stating it should not be used. Unscrupulous retailers could also suggest that although labelled the furniture could be used indoors - it is not illegal for a consumer to use the furniture indoors even though it has a label stating it is not suitable - it is only illegal to sell the furniture for indoor use

9 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

Comment box:

10 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

Comment box:

Testing

11 Do you agree to removing the Filling 1 option? (i.e. to remove the option to test where covers are placed directly over the foam filling in the final product)

Yes

Comment box:
This test added significant confusion and complexity to the previous proposals and seemed to be added purely as a means to claim reduction in the use of FR chemicals even though this would cause a significant reduction in the safety of the final furniture

12 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?

No

Comment box:
There are numerous serious flaws in the new test regulation -
1) There are many different types of FR foam - this will lead to variations in test results between UKAS labs and also in the "internal" testing of the FR processors. Even if the foam industry could not agree a specification then BSI must take the lead and define one clear specification to be used by all.
2) The fibre wrap is also a variable product and the specification needs more definition. The thickness under tension on the test frame is also certain to cause significant variations in test results.
3) There is very little test data which has been produced using the new match test - it is impossible to assume that the new test will offer similar "Fire safety" of the furniture, nor can we anyone predict with any confidence if it will lead to MORE or LESS FR chemical being required.
4) The existing test using NON FR foam is considered a worst case - fire statistics since introduction would support this.
5) A primary aim of the new test is to reduce the use of FR chemicals - if this does come to pass then this will certainly lead to a reduction in the fire safety of all furniture - it might be possible that the ignition phase might be reasonably protected but when ignition does occur (with prolonged exposure to a flame or cigarette) then there is clearly less FR chemical to inhibit the spread - this will mean fires spread more quickly and give less time for escape from premises.
6) If UKAS test houses use different FR foams for the test then Fabric suppliers, FR Processors and Furniture manufacturers are very likely to ensure they do all their testing at the "best" UKAS lab (ie the one which gives the higher more consistent pass rate) - this would clearly be a commercial advantage and it is likely that each UKAS lab will compete to gain business by using the "BEST" FR Foam - this in turn will result in a further reduction in fire safety and would certainly not be representative of a "worst case" test.

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

No

Comment box:
The basis for a "protective cover" is purely a means to avoid testing "components close to the cover".
There is NO EVIDENCE that components close to the cover play any significant part in the ignition of a fire on a piece of furniture nor in the subsequent combustion if ignition does take hold.
This regulation is a vain attempt to try to mitigate the inevitable reduction in fire safety from the forecast reduced use of FR chemicals.
With a FR cover tested over NON FR foam then there is no need to test or FR treat components up to 40mm from the surface.
There is already an alternative Sched 3 Interliner available if the ultimate fire resistance is required.

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

No

Comment box:
The definition is arbitrary - it is not based on any evidence that a 2mm diameter hole will protect items 40mm below the surface any better than a 4mm hole or 10mm hole etc.
The measurement and accuracy of the test is impossible to be consistent leading to results being discredited and the regulations in general discredited.
Existing match tests conducted over NON FR foam often do form holes - HOWEVER the depth of burn or char in the NON FR foam is usually much less than 10mm into the foam. Using FR FOAM then flame penetration should be significantly less so having a 40mm limit for items "close to the surface" looks ridiculous.

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

No

Comment box:
This is a vain attempt to mitigate the reduced fire safety which may result from the new match test.
There is no evidence that items "close to the cover" contribute to ignition of the furniture if the furniture has a match resistant cover. All the data since the 1988 launch of the existing regulations indicate that this is a total waste of time, will increase costs and is likely to increase the use of FR chemicals

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

No

Comment box:
There are fundamental differences in the mechanism of burning between a "flame" and a smouldering source.
It is true that most fabrics which pass the current Match test also pass the current Cigarette test, HOWEVER there are exceptions with specific types of fabric.
Removing the Cig test is a further increase in Fire Risk within the home.
It should also be noted that the data relating to Cigarette tests is all based on the existing Match test - if the match test is changed and FR chemicals use reduced then it follows that there is likely to be a higher rate of cigarette test failure for fabrics which pass the new match test.
It is essential that a smouldering test be maintained as a pre-requiste for all furniture even it already passes a flame test.

17 For business respondents - Which of the routes to compliance do you expect to follow for most of your products?

Not sure

Comment box:
It is impossible to predict the most cost effective means of furniture production .
The cost of "Protective covers" is not really known nor which fabrics can be sufficiently treated to meet the required test.
The cost of Non-Protective cover cannot be predicted - every fabric will need to be trialled and tested repeatedly to establish the FR chemical required to pass the new test.
The need to FR treat "components close to cover" is not known and nor is the cost to treat if required.

18 For business respondents - What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

Not sure

Comment box:
The lack of test data means no-one really knows if the use of FR chemicals will increase or decrease as a result of these proposals.
It is likely "protective covers will require more FR.
Treating Components close to the cover will certainly be an increase in FR use

19 For business respondents - What do you expect the impact of the testing proposals to be on your overall use of flame retardants?

Not sure

Comment box:
As above

Traceability and enforcement

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

Not sure

Comment box:
Any improvement in the record keeping and traceability of products through the supply chain should be applauded however the exact details recorded are not specified.
It will be up to Trading Standards to accept or reject the "recorded details" which can only occur "after the event" and in the case of a visit by Trading standards

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

Yes

Comment box:

22 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?

Comment box:
I question why the use of flame retardants in the cover needs specific labelling.
We know that ALL furniture will use FR chemicals in the foam, in any Schedule 3 interliner, possibly in components close to the cover - what is special about the FR chemicals used on the back of the cover fabric?
Surely every piece of furniture needs a label stating that it contains FR CHEMICALS.

Other questions

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

Not sure

Comment box:

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

Comment box:
I believe the proposals to be fundamentally flawed for a number of reasons -
1) No evidence to support the claimed equivalent safety of the new match test when compared to the current test.
2) Removal of the cigarette test is a fundamental risk to the fire safety of furniture.
3) Creation of a new category of Protective cover with NO EVIDENCE to support the test criteria nor the benefit to overall fire safety.
4) Additional testing of Components close to the cover added with NO EVIDENCE of their contribution to ignition of furniture cover with FR fabrics.
The proposed changes are supposed to improve the fire safety and reduce the use of FR chemicals. There is no evidence that Fire safety would even be maintained and the likelihood of reduced FR chemical use is very dubious and may indeed prove to be completely wrong with more FR chemicals used.
The Chemical safety of the FR chemicals in use has been questioned in the "background info" - surely this is an area for the existing chemical regulations to control - arbitrary statements condemning all FR chemicals are unhelpful and misleading - all the chemicals used by UK FR processors are certified for use under the REACH regulations - any chemicals which are restricted in use will NOT be used in furniture.

Impact Assessment

25 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?

Not sure

Comment box:

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

Amount saved::

Not sure

Comment box:
Impossible to predict FR chemical use - Protective cover status likely to increase use.

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

Amount saved::

Not sure

Comment box:
See above

28 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

Comment box:
Testing costs are certain to increase dramatically in the early years of the new regulations.
Every fabric type will need to be trialled and tested several times to establish the FR chemical dosing required.
All the experience of the FR processors will be worthless and new cloths will require more trials and testing to get the FR dosing correct.
Testing of Components close to the cover will add to testing costs.
Testing to establish which fabrics can achieve Protective cover status will also add to testing costs.
UKAS Laboratories may be unable to cope with demand - delays in test results already occur during busy periods - volume could easily double during the first year of 2 of implementation

29 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 disagree

Comment box:
The latest proposals are a half hearted attempt to retain some credibility from the first proposals which were heavily criticised throughout the supply chain.

The compromises made from the last consultation make little sense and result in a less safe regime, much greater variability in test results and will lead to the regulations being compromised by their lack of credibility.