2016 - 058 Hampshire Fire + Rescue.

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:

Christine Knox
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: The current consultation would appear on face value to add to the previous consultation in 2014. There are a number of areas that can be seen as an improvement over the original legislation and 2014 consultation, and these will be commented on during the responses below. Equally there are sections that can be seen as a negative or a retrograde step when compared to current legislation. It is noted that some of the previous consultation questions have been removed and it is not clear why this has been done. As with the previous consultation, 2016 appears not to be based on substantiated facts but on supposition and assumptions. As with

our other comments this will be expanded on in relevant sections below. HFRS recognises that there is some legislation that this would be suitable for however where safety and life is involved then more substantial arguments should be made when proposing to move away from current legislation that has been shown to work (Greenstreet Berman report 2009).

Questions

Name: [redacted]
Organisation (if applicable): Hampshire Fire and Rescue Service
Address: HFRS SHQ, Leigh Road, Eastleigh, Hampshire, SO50 9SJ

	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: Click here to enter text.

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: The exclusion of these items is beneficial as it will not only clarify the requirements to the market but also will reduce the use of fire retardants. It could be argued that this will lead to a reduction in fire retardants being introduced into the environment through washing and general degrading.

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: The consultation makes mention of commonly accepted dimensions but shows no evidence for this or who accepts these dimensions. The consultation also does not confirm whether these "commonly" accepted dimensions are the ones that will be covered. Confirmation of how the products are to be specified clearly is needed.

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: Click here to enter text.

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: Whilst it is agreed in principle that these items do not contribute to a great extent towards the wider objectives of the regulations, this cannot be inferred by the arguments in paragraphs 41-46. Many of the "facts" presented in these arguments would appear to have no supporting data. It can be seen in para 42 that these items are used outside but we do not believe that they are only brought indoors in exceptional cases. When considering this issue logically one would ask where are these items kept if not indoors? It is suggested that these claims should be supported by data collected through IRS. On the second point whilst the fuel load is lower and the fire is less likely to spread, this does not mean that the fire will not spread beyond the item first ignited. As before, data from IRS could be used to either support or discount this premise. A more balanced argument based on environmental and health benefits vs potential fuel loading and fire spread would be more persuasive.

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: HFRS agrees with this proposal however no mention is made of the increased burden and therefore costs on enforcing authorities who will need to ensure this happens.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: this would appear to reflect modern trends and support the principle or reducing burdens on business. This simplification would also assist testing houses.

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: HFRS does not have the necessary technical expertise to comment on the specifications of the fibre wrap however if this specification has been rigorously tested and shown to be suitable then we would accept it. HFRS also supports BEIS in the separate consultations with fibre manufacturers to determine a suitable fibre density. It would be useful if these consultations are reported back on.

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

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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

☐ Yes ☒ No ☐ Not sure

Comments: Previous concerns with regard to how the hole is measured and the repeatability of the tests have not been addressed adequately in this consultation. This passes the burden to the testing houses who may independently devise different methods. This would take this aspect outside the control of the regulations and potentially lead to a range of protective covers.

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

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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 2014 consultation makes a judgement that nearly all fabrics would pass the cigarette test if it had passed the match test. This was based on the experience of test houses although no data was provided to support this supposition. In this consultation that phrase has been replaced by 99% would pass both tests. It

is unclear where this figure has been sourced from as through personal experience it is known that a number of test houses have not been asked to supply empirical data. To base UK legislation on a premise of 'nearly all' is not good enough as a benchmark for safety. There is not a robust argument for removing this test and the UK risks being accused of dumbing down fire safety measures in much the same way as California has been. Indeed the government's own published data shows that in 2014/15 there were 3116 incidents where the primary source of ignition was smoking materials. From these incidents there were 70 fatalities and 541 injuries which when compared to other sources of ignition is disproportionately high. To risk an increase in these figures for proportionately little benefit would be against the purpose and spirit of the legislation. The issue of reduced/low ignition propensity cigarettes will also need to be accounted for given the relatively low pass rate that these tests require.

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: Click here to enter text.

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: Click here to enter text.

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: Click here to enter text.

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: HFRS agrees that a consumer is likely to remove these non-permanent labels especially if they are in a prominent position.

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: Symbols are universally recognised and pose no language barriers. Care should be taken to ensure that the label does not carry so much information that it is too big and so removed. Where information is duplicated in the technical file this could be removed with a signpost to that file given instead.

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: The transition period would appear to be fit as a compromise to allow for existing stock to be depleted. A review of 5 years would appear to be excessive given the potential impact on fire safety and the potential for an increase in incidents related to furniture and furnishings. We would suggest a number of mini-reviews/sense checks during that 5 year period to ensure that no unexpected trends and incidents are occurring. This would then culminate in the 5 yearly overarching review.

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

☒ Yes ☐ No ☐ Not sure

Comments: Whilst BEIS makes mention that this is not a finance driven exercise, the current format of the impact assessment lends itself towards a financial analysis of evidence. This is the overwhelming sense that the reader is left with and the potential benefits to health and the environment are lost.

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: HFRS is not in a position to be able to comment on this section.

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: Click here to enter text.

☐ 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: Click here to enter text.

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