2016 - 068 Redacted

Response ID ANON-F7WP-29K7-H

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-10 14:53:41**

Introduction

1 What is your name?

Name:

Product Technology & Innovation)

2 What is your email address?

Email:

Yes

3 What is your organisation?

Organisation:
John Lewis Partnership

4 How would you classify your organisation?

Organisation type:
Retailer

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?

No

Comment box:
A) In principle we agree with the thought process however the statements 'domestic furniture / private use in a dwelling' sends out a very specific message when in reality the regulations cover different types of upholstered product, for this reason we believe that the definition is confusing.
B) We are also concerned, that where domestic flammability currently crosses over with low hazard contract and allows retailers to sell into the contract market this potentially will no longer be a viable market for us. An example would be that we are a placing a domestic product in a contract building. Currently we are covered under low hazard contract but by stating private use are we still able to do this? We are concerned that we will no longer be able to provide domestic product to low hazard contract environments e.g Air BnB, B+B and Buy to Let?

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)?

No

Comment box:
A) Sleeping bags – Currently these are excluded in another part of the new regulations. This is confusing as these items are included in the above statement.
B) Protectors - this statement is vague - there needs to be some definition on drum size to eliminate the fact that manufacturers could be confused and possibly take advantage of the clause and try and include mattress toppers under this definition.
C) We agree that sleeping bags and mattress protectors should not need to meet the requirements of the new Regulations.

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)?

Not sure

Comment box:
A) Yes we agree that the cushions and seat pads are exempt from the cover test.
B) However we feel that the definition needs further clarification – we agree with the 60x60cm max but feel that the 30x30x1 is no longer relevant and should be removed.
C) We also believe a minimum size should be added as technically pin cushions are covered by the Regulations.

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:
A) We agree that the definition of outdoor furniture needs to be improved. But feel the definition of unsuitable is to open to interpretation and could be abused by adding 'Not suitable for use in a dwelling' when it obviously would / could be. We feel this requires better clarification.
B) We support the LOFA Code of Conduct.

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:
A) We feel that any exposure to added chemicals should be avoided in children's products and also agree as stated in the draft regulations, that children's car seats should be excluded.

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)?

No

Comment box:
A) We agree that anything produced from 1988 onwards should have the permanent label. However, we are concerned that furniture produced between 1950 and 1988 would not be able to be sold and will therefore have to be destroyed. During that time there was no requirement to have a permanent label or be fire retardant. We currently work in partnership with the Furniture Reuse Network, (FRN), a charity which co-ordinates 400 re-use organisations; we aim to collect some of the 10 million items of furniture thrown away in the UK every year from our customers when they buy a new piece of furniture.
65% of the upholstery we collect is reused, 20% is repaired and reused and the remaining 15% is responsibly recycled. If furniture that complies with the current regulations is not exempted from the changes then ultimately this would all end up in land fill/incinerators.
B) The statement makes no mention of re upholstered product. A re upholstered product would not be able to carry the original permanent label. In order to preserve this industry and customer choice, could there be a specific label for re upholstered product, that states the use of an interliner etc.

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:

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:
A) In principle we agree with using a foam and fibre wrap, but test laboratories need more guidance on the specification of the foam and fibre wrap, how tight the cover fabric should be pulled and also the thickness of the fibre wrap. All of which have been left to interpretation and are vital to ensure consistency of testing laboratory to laboratory.
B) The schedule order has also changed and this will cause confusion, can these remain in the order they are, so that changes are seen as more logical?

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

Yes

Comment box:
A) We agree that there should a protective cover option, as this will be the simplest route to compliance.

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

No

Comment box:
A) Some products will only be able to meet the new requirements with the protective cover option, therefore we believe that this must be a viable test that can actually be achieved – the 2mm diameter hole will be difficult to measure. Also at present each test is comprised of two results. We do not see the benefit of testing an additional 8 times and feel the added cost would drive the customer to seek out non compliant product outside of the UK, as it will be much cheaper.

B) We are also concerned that in the current testing a man made fabric still passes if it splits, where as in the proposed it will be a failure, meaning we will have to add more FR chemicals to ensure compliance. It would be better to keep to the current test where the cover fabric is tested over non combustion modified foam.

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

No

Comment box:
A) In order to ensure furniture and upholstered product complies with the changes some manufacturers may overload the cover with FR treatments in order to guarantee that the fabric will not split and to ensure they do not have to test unregulated materials within 40mm, which could result in more FR being used in consumer products.
B) Industry is concerned that alternatives do not currently exist for a number of traditional components used in upholstery. There are simplistic views on the components used within furniture and upholstered products and not enough due consideration has been given to the function of these components. Time, investment and research are required to develop FR alternatives that will not compromise quality or performance.
C) There also needs to be clearer guidelines on the testing of small, oddly shaped components as currently this is not clear and will be open to inconsistency of testing.

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

Yes

Comment box:
A) Yes we agree, but we are unsure why there still needs to be a cigarette test for cellulosic materials as the interliner should provide protection. There is also no longer a supplier of the required cigarettes in order to conduct these tests. In current times other items are potentially more likely to be the source of ignition such as candles, hair straighteners etc.

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

Not sure

Comment box:
A) The individual product type will dictate the route to compliance for the proposed new regulations. As our product range is very wide, the impact on the management of our products, the use of FR chemicals and testing will increase.

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

Increase

Comment box:
A) In order for cover fabrics to be 'Protective' a larger amount of FR would be needed to ensure fabrics (especially synthetics) do not split, this will increase the amount of chemicals in a piece of furniture

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

Increase

Comment box:
A) A larger number of materials and components would need to be treated with FR if cover fabrics are not 'Protective'. This could increase the amount of chemicals in a piece of furniture.

Traceability and enforcement

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

Yes

Comment box:

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:
A) We strongly feel a standard label template should be issued with the regulations. We do not agree that the 'manufacturer' needs to be provided for consumers as this adds no real benefit. This information will allow our competitors to establish the details of our supply base.

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:
A) Further clarification of the level of information required for the customer to highlight the use of flame retardant needs to be given. Is the statement – 'This

product contains flame retardant' sufficient? Do the names of chemicals have to be included for customers to be able to choose between products?

Other questions

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

Yes

Comment box:
Less than 24 months would not be viable for John Lewis. We will be placing orders for product for AW'17 in the next few weeks which will be delivered in July / August. Likewise orders for SS'18 will be placed in the spring. We hold a lot of stock in our distribution centres so careful management of stock will be vital to achieve this. We would need to understand the implications for that stock if it was still in the business.

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

Comment box:
A) We do not feel that there has been sufficient consideration of certain fillings – feathers, wools and beads.
B) Until the test method is officially published test houses & labs will not be able to gain accreditation to perform this test. This will limit where we can test product and the reliability of the testing that we commission. The test methods do not detail the specification of foam and fibre so that test labs around the world can perform the testing consistently in order to give reliable results.
C) Generally when a British Standard is reviewed over a period of time, there is a committee who feed into this; we do not feel that the proposals have included the views from all relevant sectors within this industry, such as retailers.

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?

No

Comment box:
There will be an increased requirement of resource due to the administration of the technical file.
An example is in Upholstery where we have an any shape any fabric model, giving the customer circa 12,000 possible options.

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

Amount saved::

Nothing

Comment box:
Nothing as whatever is saved from the removal of the cigarette test for non cellulosic materials will be replaced by the increase in number of match tests that will need to be carried out to achieve the four out of five passes.

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

Amount saved::

Nothing

Comment box:
We expect the use of FR's to increase as mentioned in our previous responses.

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:
We are unable to detail a response until we start to work through each product type as we cannot be prescriptive about the exact costs. The test laboratories we are working with are unable to specify the change in testing costs at this time.

Due to the breadth of our ranges and products we will use all routes to compliance, therefore:

A) 'Protective cover'– test costs would be 5 times current

B) 'Interliner' – test costs would be slightly more than double the current costs (fabric and interliner need testing)

C) 'Components close to the cover' – It's impossible for us to say at this stage.

However all indicators are more testing, more FR's, changes to components / manufacturing and increased time gathering information / documentation.
Although we absolutely support any increase in consumer safety, we cannot envisage how the new testing proposals will achieve this with the proposal in its current format.

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:
Not all the key stakeholders have been engaged with. The document is poorly worded and shows a clear lack of understanding of the product, customer use and original testing.
As Technologists that sit on many industry committees, we feel that this should have been handed over to BSI to review.