2016 - 023 Cheshire Fire and Rescue Service.

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: Click here to enter text.

Questions

Name: [redacted]
Organisation (if applicable): Cheshire Fire & Rescue Service
Address: Fire Service HQ, Sadler Road, Winsford, Cheshire. CW7 2FQ

	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: Click here to enter text.

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: Click here to enter text.

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: More detail is required to ensure the labelling is unmoveable and clearly understood regarding the dangers from fire if outdoor furniture is taken into a dwelling. Any fires spreading from or resulting from such items outside should be readily identifiable

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: Click here to enter text.

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:

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: The proposal to use combustion modified foam (CMF) removes the worst case scenario of using non-CMF that provided reassurance with the previous test. Currently the foam industry produces many different grades of CMF. It is also known that CMFs performance in fire is dependent upon flame retardant additive type/concentration in the backing foam as well as from density, thickness and air permeability. Cheshire Fire and Rescue Service believes a chemical and physical specification for CMF tests is required. This would be helped if there were a consistent standard of such foams but that is not the current situation. We would urge BEIS to action this and provide credible, published evidence that fire safety is not compromised before making any changes to the Regulations. We note that the issue of a specification for CMF was raised in the 2014 consultation process. Cheshire Fire and Rescue Service understands that BEIS accepted the proposal made by the Fire Sector Federation for this matter to be considered by a BSI committee in a 'fast track' procedure. The outcome of this was not regarded as credible. Cheshire Fire and Rescue Service preferred approach is to ask the relevant BSI committee to give the expert and independent assurance that BEIS and their advisors should expect when considering change to important fire safety issues. Cheshire Fire and Rescue Service again urges BEIS to action this recommendation.

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: It is not clear in these proposals how previous concerns regarding whether measuring hole formation was workable with respect to measurement and repeatability has been addressed.

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

☒ Yes ☒ No ☐ Not sure

Comments:

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 proposal contains some reassurance when saying 'in nearly all cases, fabrics that passed the match test also passed the cigarette test'. Cheshire Fire and Rescue Service does not find the statement 'nearly all' a satisfactory benchmark for fire safety. The single biggest cause of fatal fires in the UK remains smoking materials and rates of smoking are known to be higher in the homes where most serious fires occur. Cheshire Fire and Rescue Service does not believe the case has been made to remove the cigarette test.

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: Traceability and accountability are important factors, not just in enforcement but in identifying potential faulty batches of products or even products that are impacting on domestic fires in a way that the testing did not anticipate.

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: We are uncertain of the purpose of this question given the information provided. An independent review of the effectiveness of the Regulations for government estimated that 54 lives a year are saved by virtue of the UK Regulations. This figure is arrived at after taking into account improvements in safety as a result of fire and rescue services community safety campaigns and changing lifestyle habits through such things as smoking rate reductions. We see no evidence in the consultation document of the perceived health risk from flame retardants quantified in terms of deaths or disease so it is impossible to form sensible conclusions from the issues presented. The value of the current Regulations is significant in preventing and mitigating fire (as evidenced by the Government's own research) in terms of public and firefighter safety. Preventing a fire starting or reducing rapid fire development gives the best possible survival chance for householders, lessens the risk to firefighters who respond to such incidents and has beneficial environmental impact. It should be remembered that BIS (BEIS predecessor department), celebrated 20 years of the success and impact of the Furniture and Furnishings (Fire) (Safety) Regulations 1988 in 2008, by publishing a report called 'Safer Houses'.

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: Click here to enter text.

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

☒ Yes ☐ No ☐ Not sure

Comments: Cheshire Fire and Rescue Service understands that the Government accepted the proposals made by the Fire Sector Federation as part of the 2014 consultation for the proposed test method to be considered by a BSI committee in a 'fast track' procedure. We further understand that this did not produce a reliable/credible outcome. The reason government uses the BSI service is to provide reassurance that changes will do what is intended – maintain/improve safety standards. Cheshire Fire and Rescue Service favours the use of a BSI committee to give expert and independent assurance that government and their advisors should expect when considering change to safety tests. Another simple reassurance would be to see a comparison made in a test environment between furniture that would

pass the existing test and furniture that could meet the new proposed standards. We urge BEIS to give urgent consideration to this suggestion. Cheshire Fire & Rescue Service is committed to ensuring any future standards and testing regime ensures products have at least the same safety standard as at present. We do not believe that potential small savings of a reduced standard are outweighed by the potential extra risks to the public and Firefighters. Additionally, it is our belief that a reduced standard would lead to increased numbers and severity of fires causing more deaths, injuries and environmental impact.

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: Click here to enter text.

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

Amount saved: The FRS would not save anything from manufacture but could clearly face greater costs if fires, deaths and injuries increased. These costs would also be felt by other government departments such as Health, Housing and Social Care

☐ Nothing ☐ Not sure

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

Amount saved: N/A

☐ 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 answer to question 19 applies again. The FRS would not save anything from manufacture but could clearly face greater costs if fires, deaths and injuries increased. These costs would also be felt by other government departments such as Health, Housing and Social Care

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