2016-040 European Flame Retardant Association

EFRA

Brussels: 07 November 2016

EFRA comments on the

"Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations"

By the UK Department for Business, Energy and Industrial Strategy, dated 14th Sept. 2016

Consultation questions

Questions on scope

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

YES / ~~NO~~ / ~~NOT SURE~~

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

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

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

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

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~~

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Please refer to our response to Q15a

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

~~YES / NO /~~ NOT SURE

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~~

Our view is that the specifications for the test foam will fail to meet the key objective of the Regulations which is to maintain fire safety. To explain this position, it may be worth setting out the overall philosophy of fire test methods followed by standards institutes around the world. Briefly, given the nature of fire, one cannot simulate all the conditions that are likely to prevail in a real fire event. Therefore, and in common with practice in other industrial spheres, fire test methods seek to build in a "safety margin" to allow for unforeseeable contingencies. Testing over non- CM foam is the de facto safety margin that was built into the match test in the original FFRs and which has demonstrated its effectiveness over the last three decades.

Therefore, the proposed change to test over CM foam, if implemented, will result in the removal of this critical safety margin. Sacrificing a safety margin for the ostensible benefit , as yet unquantified, of improving public health or the environment is simply a gamble, with people's lives at stake. As such, we believe that that this proposal will make UK furniture less fire safe. This despite the explicit acknowledgment (sections 19 – 25) that the FFRs and by extension, flame retardants, have helped reduce the fire casualties over the years. Thanks to flame retardants, there are longer escape times for people in the event of a fire as well as a longer response time for fire fighters.

We would like to take this opportunity to demonstrate the effectiveness of flame retardants in furniture by means of the attached fire test videos :

Comparative test sofa with and without flame retardants:

Performed with Amsterdam fire brigade: Link

Comparative test and measurement performed by fire test laboratory: Link

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

~~YES / NO /~~ NOT SURE

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

~~YES / NO /~~ NOT SURE

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

YES ~~/ NO / NOT SURE~~

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~~

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

~~YES / NO /~~ NOT SURE

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

~~YES / NO /~~ NOT SURE

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

~~YES / NO /~~ NOT SURE

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

~~YES / NO /~~ NOT SURE

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~~

We note that the proposals call for a permanent label that, inter alia, informs the consumer that flame retardants are present in the furniture. We fail to follow the rationale behind this proposal. BEIS should bear in mind that flame retardants are in use across the world in myriad products and components and are a vital part of the spectrum of fire safety solutions. Other than the California regulations which were recently amended due to environmental activism, we are not aware of such a scaremongering label involving flame retardants.
We appreciate that there were a small subset of legacy substances that are now off the market either voluntarily or by regulation. When these substances were introduced more than 50 years ago, they were acceptable but as science progressed some of these products have become less desirable.

Industry is moving away from those early flame retardants that have been shown by scientific assessments to represent a potential risk to the environment or human health. A new breed of polymeric and reactive flame retardants is available that pose a reduced propensity for harm. Moreover, given that fires are a significant source of environmental pollution, the success of the existing Regulations in reducing the number of fires means that there is a strong case for viewing furniture compliant with the UK Regulations to be greener – and safer - than equivalent furniture in EU Member States which do not have similar legislative requirements.

Flame retardants therefore play a critical role in reducing the impact that fires have on people, property and the environment and should not be singled out in this manner.
If a permanent label is to be attached to cover of furniture , then it should first and foremost inform the consumer that the product complies with the fire safety regulation. A consumer needs to be reassured rather than alarmed without due cause.

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?

~~YES / NO /~~ NOT SURE

Please see comments on Q15a .

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

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

We wish to raise a query regarding the fundamental rationale for the testing proposals, which are stated in Section... as follows :

intended to make the tests better reflect how modern furniture is constructed, whilst incentivizing a reduction in the use of flame retardant chemicals.

We understand the point about the tests being devised to reflect the construction of modern furniture. However, we are quite at odds with the point that flame retardant usage needs to be minimized. We have previously stated our views on the wide range of flame retardants available ; treating them all the same, as these proposals appear to do, is tantamount to chemical racism.
On a related point, we are disappointed that BEIS are taking upon themselves two quite disparate responsibilities, neither of which devolve naturally upon this department – fire safety and chemical regulation. The responsibility for the first activity vests with the British Standards Institution and we would urge BEIS once more to direct the fire test proposals, in particular, to the appropriate BSI Committee for further deliberation. The second responsibility on chemical

regulation is that of agencies such as DEFRA, HSE, Environment Agency, Public Health England and the Food Standards Agency. We would welcome hearing from any of these departments or agencies on their specific and targeted concerns rather than this blunderbuss approach to "flame retardants".

Questions on the Impact Assessment

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

Please refer to our response to question 22.

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.

Please also refer to our response to question 22.

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?

As we have commented previously, we believe that these amendments will weaken fire safety levels thus creating an increased and serious risk to public safety. Flame retardants have been a primary technology, enabling furniture manufacturers to meet the UK Furniture and Furnishings Regulations. Of the 54 fewer deaths per year arising from the Regulations, 32 are directly attributable to the cigarette and match tests, which are now proposed to be amended.

== Ends ==

About EFRA:

EFRA (the European Flame Retardants Association) brings together the major companies which manufacture flame retardants in Europe. EFRA covers all types of flame retardants: chemicals based on bromine, chlorine, phosphorus, nitrogen and inorganic compounds. EFRA is a Sector Group of Cefic, the European Chemical Industry. www.flameretardants.eu