2016 - 048 FRETWORK

Response ID ANON-F7WP-2998-Z

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-06 11:24:09**

Introduction

1 What is your name?

Name:
[redacted]

2 What is your email address?

Email:
[redacted]

Yes

3 What is your organisation?

Organisation:
FRETWORK The Flame Retardant Textiles Network Ltd

4 How would you classify your organisation?

Organisation type:
Business representative organisation/trade body

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:
Care must be taken with reviewing proposals and testing against likely usage. The Schedule 3 interliner was originally proposed as a work around for high end special fibre combinations that were considered unsuitable for coating or other treatments. It became during one period a major route to compliance based on fabric and furniture styles and a particular type of design. Today it is offered by BEIS as a route to compliance but without demonstrating why it should move from "exceptional" to "chosen route to compliance".

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:
See previous comments. Several issues require definition if it is not to become a potential avoidance route.

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:
Again, care in definition is required.

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?

Yes

Comment box:
Again, care in definition is required. There is an argument to consider modern production methods that does not occur in domestic upholstery.

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:
If baby products need regulating then they should have their own set of regulations and not be joined with domestic upholstery.

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:
Does the label need to contain a warning about the consequences of removal?

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)

Not sure

Comment box:
The cigarette test has shown very clearly that actual filling/cover combinations have little role in the supply chain and this would probably be as unworkable as the cigarette test is at present.

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:
Specification of actual materials used in testing should be designed to avoid variance is test repeatability. The proposals will lead to favoured or optimised selection making pass/fail and policing very unreliable. The proposals will lead to the testing methods gaining a bad reputation.

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

No

Comment box:
We should be very careful with words in this matter. The original component testing used a severe (worst case) scenario and was generally described as defining textiles that were protective of an inflammable foam filling. The protection was defined by a pass / fail result and not by the ability of the cover to remain intact and a complete barrier like cover.
The most recent proposals for change have taken a rather confused approach to the concept of protection and have betrayed themselves by trying to define protection in a way that is complicated and probably unworkable from many aspects. What does a manufacturer do if he finds a fabric he believes is protective has delivered a non-proptective result? The idea behind this is a nonsense in manufacturing terms. It is unlikely to be used in industry and it will not encourage the choice or even development of fabrics that are more protective than others.

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

No

Comment box:
The new definition of protectiveness requires a cover fabric to NOT form a hole. Any hole formed would be prone to interpretation and this is not a reliable basis for determining a supply chain requirements. The ensuring a reliable level of performance would demand an increase in chemical usage and what cannot be calculated is that this increased cost may show sufficient financial advantage to warrant a significant increase in chemical consumption. As reducing chemical consumption or at least creating the conditions to encourage reduction is an prime objective, it can thus only be classified as counterproductive.

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

No

Comment box:
FRETWORK believes that this idea was inserted to neutralise the obvious problem of the significant reduction in fire safety caused by the new test proposals. It has the potential to require the application of a significant amount of flame retardants. It is highly unlikely that manufacturers will dual stock so the default will be to make FR components hence a unnecessary level of FR usage will be caused i.e. without any connection to recognised fire safety and risk. It will be virtually impossible to police except by traceability and record keeping, thus favouring the unscrupulous. Furthermore, apart from alluding to "modern manufacturing techniques the whole premise upon which this test is based is nothing better than a GUESS. No work has been done to establish the relevance of the proposal as this could only come from single item testing i.e. actual furniture, as produced, was burnt and no evidence of such testing is available.

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

No

Comment box:
This item is condemned by its own ineptitude. You cannot seriously propose to reduce the level of treatment of a material and then suggest that a test is not necessary because the existing material with a higher level of treatment passes the test every time.
There is a reason for having a smoulder test and any success in shifting fibre choice towards options that may meet the ideals of the new proposals would only be likely to render the need for a cigarette test or at least a smoulder test more necessary.
The requirement has existed for many years to develop a new smoulder test. It is perhaps necessary at this point to reiterate the original need for a smoulder test: The nature of covers and methods of manufacture in the 1980's meant that a smoulder insult although of very low direct risk would, through an exothermic reaction, increase in effect until a critical point was reached when spontaneous combustion could occur some hours later and the pattern of fires "breaking out" in the time when occupants of domestic dwellings were in a deep sleep pattern was easily found in the statistics. The FFR was the answer to this problem. It is a concern that the proliferation of electronic devices left on charge may replicate this risk.
There is a certain dimension of risk involved in doing away with this test and that should be admitted Its removal is a political decision and suggesting it is 'irrelevant because' is not a sufficient answer.

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

Non-protective cover + compliant components

Comment box:
FRETWORK has no direct involvement in this part of the supply chain but we have correspondents who have reported their own analysis of impact and likely future action and the indicated response is set at a very high percentage of the answer given.

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 Answered

Comment box:

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

Not Answered

Comment box:

Traceability and enforcement

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

No

Comment box:
This represents a major additional burden and its introduction is a surprise. We have looked at these issues behind this requirement during the setting up process for our FRETWORK Code of Good Practice scheme (FCOGP). It is a notable contrast to speak with chemical manufacturers and large upholstery producers who are already working or at the very least moving towards working with this approach. The problem comes with SMEs who are often seen to be careless with textile roll identity and traceability at present and have not a thought in this World for a technical leaflet for what they produce. The scale of component usage in the upholstery manufacturing industry has been referred to. The competitive nature of the supply chain from chemicals to coating to fabric supply would suggest that the collating of data would be an issue. This sounds exactly like another good idea for regulation without a thought for the SME.

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

Not sure

Comment box:
There are clear problems with the present system but are we talking about permanent labels or "ENHANCED" labels?

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:
This looks like a "when did you stop beating your wife" question. The proposals have always contained an unwarranted level of contestable comment about flame retardants in particular and the style of describing the e.g. carcinogenic nature of one substance being used to describe ALL flame retardants. This has gone unchallenged in large part. When we are asked to describe the presence of FRs we must ask what is an FR and if we have FRs confirmed as being present but is the concern about FRs or about substances that increase the risk to the consumer. The concerns of TSOs where DMF was found to be present in upholstery was a very real problem. We have discussed applying control to the choice of chemicals used with our FCOGP but that is a pointless exercise if all FRs are already judged to be of concern. That is not helpful to industry.
Perhaps the best way is to leave it as it is because in California consumers are told that if it has fire safety performance according to the label then it will contain FRs?

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:
With so many parts of the proposals still not settled it is surprising to see the transition period raised as an issue because until industry knows what it must do it is difficult to consider the transition.

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

Comment box:

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:
See our comments on technical files (20).

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

Amount saved::

Nothing

Comment box:

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

Amount saved::

Nothing

Comment box:
The estimations made in previous editions of the FFR Proposals were widely/wildly wrong and a significant factor of difference from our calculation based on FRETWORK subscriber's submissions.

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.

Not Answered

Comment box:

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: