2016-091

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Redacted

Brussels: 10 November 2016

Object: Pinfa 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.

Respondent Organisation:
pinfa – the Phosphorus, Inorganic and Nitrogen Flame Retardants Association
(a Sector Group within Cefic, the European Chemical Industry Council)

Respondent type: *Business representative organization / trade body*

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~~

Questions on testing
Q7 Do you agree to removing the Filling 1 option?
YES / ~~NO / NOT SURE~~
Pinfa supports the proposal to modify the small flame test for fabrics, to test all fabrics with a flammable, air-containing layer between the fabric and the foam to simulate the real-life situation of furniture in use where fabrics cannot over time be guaranteed to remain always closely held to foams without air able to feed a possible fire.

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 fibre wrap density and the flammability of the fibre itself should be specified, in order to simulate an air gap between the foam and the cover material (see Q7)

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Q9a) Do you agree that the regulations should provide a protective cover option?
YES ~~/ NO / NOT SURE~~
Comments
Protective covers contribute to fire safety but should be used in combination with fire safety treated (CM) foam, because full protection by covers cannot be guaranteed over time if damage or wear results in perforation, holes, loss of barrier at sewn joins. If protective covers are used, it should be required that they cover not only the visible parts of the furniture, but also backs and undersides, which can be exposed to fire sources.

Q9b) If yes, do you agree with our proposed definition of protectiveness?
YES ~~/ NO / NOT SURE~~

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~~
Comment
Pinfa agrees that where a small flame test is required, then an additional smoldering cigarette test might not be required. Although there may be some materials which pose a fire risk with a smoldering cigarette but resist a small flame, these are unusual, so that the additional testing does not appear to be fully justified.

For business respondents:

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

No comments

Q13a What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?
No comments

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

Comment
In addition to amending the fire tests, the regulation should seek to identify and ensure the use of flame retardants with better environment and health profiles which maintain fire safety and life protection at today's high levels.

Questions on traceability and enforcement

Q14 Do you agree with the product record / technical file requirements for manufacturers and importers?
No comments

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~~

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
Most and foremost, the text should specify that the product contains flame retardants in order to improve fire safety. Manufacturers should have the option to specify the type of flame retardant used and whether the flame retardants are conform to independent labels or standards, such as OekoTex 100 or other recognised labels, or if the flame retardants have been approved for e.g. skin contact.

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?
Left blank

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

Comments

Fire safety should not be compromised. The studies carried out for BIS show that the Furniture Fire Safety Regulations have been effective in saving lives and property. Possible public concerns about flame retardant safety should be addressed as a function of their specific properties: total flame retardant loading is not indicative of environmental or health impact. Actions should be continued to identify and ensure the use of flame retardants with better environment and health profiles. Taking these considerations into account, we confirm our support of policies which enable the level of fire safety to be maintained with more flexible and/or more economical approaches.

Questions on the Impact Assessment

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

Left blank

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.

Left blank

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~~

Add comment if possible (this is not "anticipated" in the reply form):

Pinfa considers that the proposals will maintain fire safety whilst enabling more flexible fire safety approaches by industry subject to the comments made above:

- *the covering textile should be fire tested with a flammable/air gap over foam, not directly against foam,*
- *CM foam (fire safety treated foam) should continue to be a requirement in all furniture covered by the Regulations, in order to limit the fire danger of upholstered furniture where a small fire develops in other household contents leading to breach the fire protection of covering textiles or barriers, or where this protection is not functional due to wear or damage*

We hope that these comments will be helpful and remain at your disposition for any further question and exchange with you.

Best regards,

For further enquiries, please contact:

Pinfa Secretary General
cefic, av. E. van Nieuwenhuyse, 4 (Box 2)
B-1160 Brussels – Belgium

About pinfa:
pinfa is the Phosphorus, Inorganic and Nitrogen Flame Retardants Association and is a Sector Group within Cefic, the European Chemical Industry Council. pinfa represents the manufacturers and users of non-halogenated phosphorus, inorganic and nitrogen flame retardants (PIN FRs). www.pinfa.org