2016 - 073

Response ID ANON-F7WP-299Z-2

Redacted

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-11 10:52:01**

Introduction

1 What is your name?

Name:

2 What is your email address?

Email:

Yes

3 What is your organisation?

Organisation:
Leisure and Outdoor Furniture Association Ltd

4 How would you classify your organisation?

Organisation type:
Business representative organisation/trade body

Other - please describe here:
Trade Association

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:
It must be clear that para 4.3.g 'for outdoor use only', means compliance with both sentences - i.e. not suitable for indoor use AND clearly marked 'for outdoor use only'.

There will need to be clarity as to which organisation gives 'permission' for an item to be classified in accordance with para 4.3.g 'for outdoor use only'. This CANNOT be down to a manufacturer/importer as this will merely be an avenue for them to circumvent the rules rather than apply them correctly.

Options - BEIS/Herts TS (PAP Partner)/LOFA (Subject Matter Experts)

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:
not an issue for LOFA

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:
Having had no dimensional options in old regulations, there is a lack of clarity in this version with two different sizes.

There should be one size refered to, with seatpads and scatter cushions defined as those less than 60cm*60cm when flat, with the filling needing to be combustion modified.

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:
Scope for outdoor furniture; clarification of 4.2.e and 4.3.g – what can be declared 'for outdoor use only'. There is a line in the information pack that BEIS expect the Industry to take a lead on much of this, and this implies that the LOFA list, through the PAP, may be the lead on this situation.

There will need to be clarity as to which organisation gives 'permission' for an item to be classified in accordance with para4.3.g 'for outdoor use only'. This CANNOT be down to a manufacturer/importer as this will merely be an avenue for them to circumvent the rules rather than apply them correctly.

Options - BEIS/Herts TS (PAP Partner)/LOFA (Subject Matter Experts)

If there is no control over the declaration of 'for outdoor use only', then this will probably reduce safety.

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:
not an issue for LOFA

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:
There will need to be an education of labelling requirements for the consumer to understand that purchasing second hand, without labels, has potential safety issues.

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:
This is a sensible simplification

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?

Not sure

Comment box:
LOFA are not experts in this area, so will accept the input of relevant experts.

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

Yes

Comment box:
This is a simple route to safety if the protective cover definition is robust The current definition is not sufficient, as it is hard to measure and potetially expensive to test, and will almost certainly entail greater use of FR chemicals.

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

Not sure

Comment box:
LOFA are not experts, and it seems that the test houses and fabric manufacturers have great knowledge on what is required.

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

Not sure

Comment box:
How will these compoent materials be defined, how will they be made FR, how will they be tested and who will determine what is in and out of scope.

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

Not sure

Comment box:
The test houses will be able to give a better response on this issue, but we should beware of making the tests more stringent, as that would increase need for FR chemicals.

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

Not sure

Comment box:
This will be up to the manufacturer/importer to define how they will comply with the regulations. they may have to elect for greater use of chemicals if that is only route to compliance

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:

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:
there is a huge potential for an increase if the tests are made more stringent

Traceability and enforcement

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

Yes

Comment box:
There has to be clear traceability of all product and proof of compliance. This is the easiest route, but there must be a simple way of doing it for the small and medium enterprises, who may not have compliance departments to support it.

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:
Yes, but the label must be visible and not tucked away inside a cover

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:
Symbol,

However, will the symbol on the cover indicate the compliance of anything under the cover, such as filling/interliner?

e.g. a scatter cushion cover need not comply but has CM foam, so will that need to indicate the presence of chemicals?

This may be too much for the smaller enterprises to achieve

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:
Yes, but this should only need to prove compliance with the changes to the regulations, not bring all up to the full compliance level of the regulations (many of which will still pertain from the 1988 regulations)

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

Comment box:
There needs to be a clarification of where the PAP sits in this process, especially with regards to Outdoor Furniture, where the opt-out clause should be closely controlled and not left to individual interpretation.

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:
We believe this to be a serious under-estimate, especially for small enterprises, with limited staff.

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

Amount saved::
no idea

Not sure

Comment box:

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

Amount saved::
no idea

Not sure

Comment box:
if the regulations require an increase to ensure compliance, this will not reduce!

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 sure

Comment box:
Not experts, so cannot determine.

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?

Not sure

Comment box:
there is a potential improvement, as long as the regulations are enforeable, and are actually enforced.

what are the BEIS intentions for ensuring compliance in the future?