2016 - 084 Next

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Response ID ANON-F7WP-299T-V

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-07 17:31:57**

Introduction

1 What is your name?

Name:

2 What is your email address?

Email:

Yes

3 What is your organisation?

Organisation:
Next Retail Ltd

4 How would you classify your organisation?

Organisation type:
Retailer

Other - please describe here:
We also now manufacturer our own sofa's in the UK

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:
The updated scope is more straightforward.

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)?

No

Comment box:
We were unaware that sleeping bags were in the scope of the regulations.

The definitions in the draft regulation for toppers and protectors are not good enough and will definitely lead to confusion and potentially a reduction in safety. Next specifies the difference between a mattress topper and a mattress protector as:

Mattress Topper: A mattress cover used to provide additional comfort for a consumer
Mattress Protector: A mattress cover whose primary purpose is to provide a hygiene barrier

Our protectors are typically thinner than 15mm, whilst our toppers start at 30mm, although we are aware of products on the market that do not have as clear a distinction in terms of thickness and are described as falling in to either the protector or topper camp.

The use of a domestic washing machine in the definition is particularly poor without a significantly better definition of the drum volume.

The exclusion of mattress protectors that can be washed is also poorly conceived, subject to the domestic washing machine definition comments above; the proposed definition may be used to exclude a range of protectors based on a single size being considered initially, e.g. exclusion based on a single or double bed sized mattress protector, when the king size and super-king bed sized protectors of the same range will not fit in a domestic washing machine.

Also, there is no definition of "washed" - by hand, by domestic machine, by commercial machine??

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:
We agree that a better definition of scatter cushions and seat pads is required. However, we believe that a single size definition is appropriate, therefore a seat pad or scatter cushion with dimensions less than 60cm x 60cm x nominal thickness (which practically should be less than 60cm).

However, to allow for greater design flexibility and appropriateness a volume based approach would be significantly better. For example, a seat pad used for a bench seat that is 150cm x 30cm x 3 cm would fall outside of the size requirement, but the volume of combustible material would be a fraction of that of the proposed volume for a scatter cushion. A volume based on the 60cm x 60cm and then a thickness dimension of less than 30cm should be considered.

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:
The proposed approach to exclude items that are not suitable for use in a dwelling and to mark them as such, is still to open to interpretation. It is easy to foresee that products Next would consider suitable for use in a dwelling, other less conscientious or informed companies may choose to label them as not complying with the regulation and therefore not suitable for use in the home. This will only lead to an ongoing reduction in safety.

A definition that included the 60cm x 60cm x tbc (or preferably a volume as per above Q7) for any upholstered component, should determine an items inclusion within the regulation.

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:

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:

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:
Much more simple and easy to manage.

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:
Next currently specifies the use of only one test laboratory for UK FR bulk and due diligence approvals because of the vagaries in the current regulation and test methods. The proposed regulation has not addresses these and the lack of a more detailed specification for both the foam and fibre wrap will exacerbate this. A more detailed specification is an absolute requirement to ensure the ability to pick a test laboratory to achieve pass results is prevented.

We've also noted the changes to the schedules, this will undoubtedly cause unnecessary confusion throughout the supply chain, as the current schedules are so well established and understood.

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

Yes

Comment box:

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

No

Comment box:
The proposed definition is unworkable and therefore unacceptable. In particular the 2mm diameter hole requirement shows a complete lack of understanding in respect of how fabrics perform under the current match test and just how difficult it will be to measure the hole without causing damage to the charred fabric and potentially increasing the size of the hole.

The majority of Next's fabrics' that split under the match test, split along a line, vertically above the flames application point, they do not form a hole.

The Technical Panel consulted also clearly stated this requirement was unworkable and should not be included.

Many of our fabrics contain man made fibres and they satisfy the current requirements, but they do split under test by more than the proposed 2mm, these would now be classified as non protective. But no evidence has been produced to demonstrate that the current protective cover requirement within the current regulation is failing to protect consumers.

The 2mm hole requirement, is not given a tolerance and as agreed by the Technical Panel very difficult to measure consistently. This is another cause of variation within the test regime that will lead to different test results between laboratories.

A new requirement included within the draft regulation (and was not included in any of the consultations) is the requirement for the match test to be completed five times for a protective cover, therefore ten applications of the match test flame. This will significantly increase the cost of testing and was not included in the Impact Assessment.

For each fabric the Next sells we currently test to the UK FR requirements on average 4.6 times during the development and bulk approval process. We also test every FR batch within our supply chain, typically this is a further 16 tests within the average life of a fabric. Next also performs due diligence testing across our range of fabrics every season, which equates to 17 tests per fabric type over the average life of a fabric. This typically costs £1900 per fabric for the life of a fabric.

Next has, during this consultation, tested our complete range of fabrics to the proposed regulations 66% of these would now be classed as protective covers. The impact this has on our current test regime, would be a continuation of our current test programme for 34% of our range and the removal of the cigarette test for 66% of our range. However, the 66% deemed as protective, would now require an increase in the amount of match tests required to five times that of our current requirement. The net effect would be an increase in test costs of 266% over the life of a fabric.

Following discussions with our backcoaters we are also very concerned that this will require the use of more FR chemical to ensure we have greater consistency in the ability of fabrics to be classed as protective. Not only will the testing costs per fabric therefore increase, the backcoating cost will also increase. The Impact Assessment has not taken either of these in to consideration.

Next has a full and detailed assessment of the increase in test costs and we would be happy to discuss this further should BEIS wish.

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

No

Comment box:
No evidence has been shown through any of the consultations of any problems caused by components under the covers of existing upholstery; neither has evidence been shown through composite testing of the effect of components under existing protective covers. It is completely unclear why this requirement is considered necessary to improve the safety of consumers.

Next offers every upholstery fabric we sell across every shape we sell; therefore every shape will have the potential for a non protective cover to be placed over it.

We have estimated that every shape will have on average 15-20 separate components within 40mm of the cover; whilst every effort would be made to standardise these within each supplier, standardisation across suppliers is particularly unlikley.

Some of these components will not burn when subjected to the modified match test (steel components), but by definition they will need to be tested. More importantly, each component will need full batch traceability. This will have an increased cost for each component.

The original proposal to maintain an exclusion list would have significantly eased this burden and focussed efforts where they are potentially most needed. BEIS should give serious consideration to the reintroduction of the exclusion list.

In addition, the modified match test is not well defined and does not detail how small or shaped components should be tested.

Once again, this introduces another layer of variability.

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:
Whilst we understand that it is estimated that less than 1% of fabrics used that pass the match test will fail the cigarette test. This seems completely at odds with the general determination to increase the testing burden due to unproven, but alleged improvements in product safety, yet knowly allowing 1% of fabrics to present a known risk to consumers.

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

Not sure

Comment box:
A forth option should be included, "all of the above".

The current Next offer to customers means all fabrics will be offered across all shapes, dining chairs, headboards, etc.

With the significant increase in testing costs across the life of a fabric, the increase in chemical required for backcoating and the increased traceability requirements, it is foreseeable that this breadth of offer could reduce on some product types to facilitate one route of compliance for a given supply route.

This will impact consumers in the breadth of range they are able to purchase.

Of concern will be the option to use more FR chemicals to reduce the complexity of compliance (such as schedule 3 interliners, or more FR'd components), the objective of using less FR chemical seems completely at odds with the reality of compliance to the proposed regulation.

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:
At this point, our assessment of the amount of FR chemical used in covers, will see the potential for a slight reduction in 34% of our current range of fabrics; however until we are able to carry out more extensive trials, any reduction is impossible to gauge.

The 66% of our current range that would be considered as protective (from our recent testing) would after discussion with our backcoaters almost certainly require an increase in the chemical weight used to ensure compliance; however, without building a significantly greater data set of test results, fabric compositions and constructions we are not able to offer any further clarity.

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:
It is almost certain that the overall usage of FR chemicals will increase, either through increased chemical weight on the main fabric, increased use of interliners or the addition of FR chemicals to components within 40mm of the cover that are not currently required to be FR'd.

Traceability and enforcement

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

Yes

Comment box:
Positive step forwards.

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:
The current definition of a manufacturer should be changed to utilise the definition used in the EU legislative framework. This would provide a much more consistent approach.

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:
Our preference would be for text. However, we are unsure what commonly produced items that comply with these regulations would not require the use of some flame retardants.

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:

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

Comment box:
There are areas where terminology is not clear (e.g. the use of beds, bases and bed-bases) and this makes interpretation difficult. The regulations state that 'beds and divans (including the bases and headboards of both), sofa beds are within scope. This suggests that a headboard if supplied with the product is considered part of the bed-base and therefore the cover fabric would not need to be compliant. This is different to the current Regulations where the cover fabrics of headboards need to be fully compliant. If this is correct, what about headboards supplied separately. Also there is no requirement for bed-bases and mattresses to have a technical file. This seems a strange decision and it would be clearer if these products also had a technical file.

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 estimate a one off input of 108 hours, covering our teams in the UK, Europe and Asia, plus the suppliers in those regions. This is assuming a 4 hour briefing for each team (not including any travel time or preparation) and 8 hours per supplier to brief and audit traceability across components throughout the factory and supply chain.

Bear in mind that this does not include the initial compliance for each product, therefore initially each product will also require a 20 hour input to ensure agree a full Bill of Materials, agree those that are in scope, organise and approve testing and set up a Product Technical File.

On an ongoing basis we estimate 20 hours per product.

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

Amount saved::
£0

Nothing

Comment box:
As demonstrated earlier, the removal of the cigarette test does not reduce the cost of testing overall.

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

Amount saved::
£0

Nothing

Comment box:
Our assessments shows a prevalence for increased use of flame retardants.

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.

Yes

Comment box:
The increase of match testing for protective covers is not included in the Impact Assessment.

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?

Disagree

Comment box:
Whilst some very sensible changes have been made in this latest proposed regulation, the core of the regulation has not changed, and in fact because of the addition of the increased number of match tests, the reliance on a 2mm hole measurement that the Technical Panel have stated as unworkable as well as a raft of other issues discussed. We strongly feel this proposed regulation will not improve the safety of upholstered products in the market place, neither will it achieve it's objective of reducing the amount of flame retardant chemicals used in products.

This seems like a great opportunity wasted.