2016 - 116 UK TLF

Department for
Business, Energy
& Industrial Strategy

Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations (FFRs) response form

The consultation is available at: www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016

The closing date for responses is **11 November 2016**.

The form can be submitted by email to: furniture.consultation2016@bis.gsi.gov.uk or submitted by letter to:

Christine Knox
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street
London
SW1H 0ET

Please be aware that we intend to publish all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the section on confidentiality and data protection on page 7 of the consultation for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: Click here to enter text.

Questions

Name: [redacted]
Organisation (if applicable): UKTLF
Address: c/o 8 Wentworth Way, Leeds, West Yorkshire, LS17 7TG

	Respondent type
☒	Business representative organisation/trade body
☐	Central government
☐	Charity or social enterprise
☐	Individual
☐	Test House
☐	Manufacturer
☐	Retailer
☐	Large business (over 250 staff)
☐	Legal representative
☐	Local government
☐	Medium business (50 to 250 staff)
☐	Micro business (up to 9 staff)
☐	Small business (10 to 49 staff)
☐	Trade union or staff association
☐	Other (please describe)

Questions on scope

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

☒ Yes ☐ No ☐ Not sure

Comments: There still remains a number of areas within the scope for which much improved clarity is required as to which products fall within or without the scope.It remains unclear particular in relation to certain child care articles such as baby walkers whether they are intended on being in or out of scope. The default position of our members would be unless they are explicitly excluded then they would be treated as within scope.

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

Comments: Yes. We would also include duvets for the same reason – they are bedding and not upholstered furniture.

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

Comments: Click here to enter text.

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

Comments: There is still a lack of clarity about how to define what constitutes "unsuitable for use inside the home". As previously, the default position would be to assume items as suitable for inside the home unless there are exceptional reasons to the contrary (e.g. large swing seats). In particular articles such as deck chairs and recliners are widely used in some conservatories.

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

Comments: Those members who responded were split on this. Some responded 'yes' and others 'not sure', specifically in relation to padded playpens as it is not clear if this is referring solely to the base of the playpen or to other padded areas such as upper rails. In addition, it was suggested that if a relevant product specification for a child care article already included a flammability requirement then it could be considered to be outside scope.

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

Comments: Click here to enter text.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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: UKTLF members were split in their opinions. The basic specifications are sufficient, however there a number of potential concerns arising from variability that may arise as a direct consequence of the specification. In particular, since the thickness of the fibre wrap is stated to be 20 ± 5 mm, and the overall thickness of the test specimen must be 75mm, it therefore follows that laboratories would need to either standardise on a specific thickness of foam regardless of the true thickness of the fibre wrap or alternatively to have the foam cut to the exact matching thickness required to create the overall 75mm thickness required by the test method. The latter

is impractical and likely to be very costly to laboratories as foam is not sourced from the same suppliers as the fibre wrap and there will potentially be batch to batch variation in the thickness of the fibre wrap.

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

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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

☒ Yes ☐ No ☐ Not sure

Comments: UKTLF members only concern is the ability to identify and measure the size of the hole when the cover fabric is still mounted on the test rig and the hole may be surrounded by areas of charring and tumescence.

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

☐ Yes ☐ No ☒ Not sure

Comments: UKTLF members were unable to reach a consensus. Some were in agreement with the proposals, others were of the opinion that the proposed method of test is still inadequate and ill-defined, in particular where the component may be small in dimensions. Samples less than 45mm in height would require the ignition source to be applied above the top edge – clearly not was intended. The text of Schedule 5 Part 3 requires further improvement before it can be considered to be workable. UKTLF would be prepared to offer BEIS our expert input in relation to providing better text for the test method.

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

Comments: UKTLF members expressed concern that whilst removing the cigarette test may be justified in a majority of cases there are still instances in which cigarette test failures still occur and which would mean that in future such failures might not be detected and serious incident could occur. The removal of the cigarette test may be opening a loophole for dangerous combinations of fabrics and fillings to be used in future which may smoulder but would pass the match test and this could lead to loss of life. Smouldering fires are, in the opinion of many UKTLF members, more dangerous than naked flame fires since they can go undetected for long periods of time and may not be so easily detected until it is too late.

For business respondents:

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

☐ Schedule 3 interliner ☐ Protective cover

☐ Non-protective cover + compliant components ☐ Not sure

Comments: Click here to enter text.

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

☐ Increase ☐ Decrease ☐ No change ☐ Not sure

Comments: Click here to enter text.

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

Comments: Click here to enter text.

Questions on traceability and enforcement

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

☒ Yes ☐ No ☐ Not sure

Comments: We support better information and improved record keeping although there will be some increased burden on manufacturers, importers, and retailers – particularly SMEs.

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

Comments: The display label was primarily needed during the transition from the previous 1983 Regulations. However it is generally superfluous, given that a large proportion of furniture is no longer perceived to be chosen or sold on the shop floor but via online means.

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: By means of text on the label since this is understandable and unequivocable. The use of scientific words (chemical names, etc) or symbols may confuse the consumer as to its meaning.

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

Comments: As laboratories we agree. however we do not know whether this transition period will be sufficient for manufacturers and importers and retailers to adapt their supply chains and in particular in relation to the compilation of technical files.

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

☒ Yes ☐ No ☐ Not sure

Comments: The comments included in a separately attached document have been provided by various of our members. However not all UKTLF members responded

and therefore the comments do not necessarily represent a consensus of opinion of our members

Questions on the Impact Assessment

Q18 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?

☐ Yes ☐ No ☐ Not sure

Comments: No comment – it would not affect UKTLF members.

Q19 How much do you estimate you would save per year from the removal of the cigarette test?

Amount saved: As testing laboratories, UKTLF members would lose income from the removal of this test. Members are reluctant to provide estimates of the reduction in turnover for reasons of commercial confidentiality.

☐ Nothing ☒ Not sure

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

Amount saved: No comment – it would not affect UKTLF members.

☐ Nothing ☐ Not sure

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.

☐ Yes ☐ No ☐ Not sure

Comments: Please refer to the attached document of separate comments. Reducing the length of conditioning time prior to test would improve the speed of service to the

industry. However it must be uniform and consistent in its approach for all the tests whereas the current proposals are inconsistent in their approach.

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

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐

At BEIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

☐Yes ☐No

BEIS/16/11/RF

United Kingdom Textile Laboratory Forum
8 Wentworth Way, Leeds, West Yorkshire, LS17 7TG
http://www.uktlf.com

Christine Knox
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street
London
SW1H 0ET

Date: 31 July 2017

Dear Christine

Response to consultation of F&F Regulations

UKTLF has submitted a response on behalf of its members to the questionnaire using the form included within the consultation document. Please find below some additional comments submitted by some of the UKTLF members who responded to the consultation and which are not covered within the questionnaire itself. Please note that although all UKTLF members were consulted, not all members responded and therefore the views expressed do not necessarily represent a unanimous or even consensus view of UKTLF. Nevertheless, we feel that it is pertinent to pass on the views expressed by our members.

(1) What happens if a seat cushion is within the 30x30cm dimensions but is over 1cm thick? How is the thickness to be measured in cases of dispute?

(2) What happens if a mattress topper is washable? Would this make it a mattress protector under the proposed definitions? This needs to be more clearly defined within the Regulations and/or in any supporting guidance document.

(3) If an item of upholstered furniture includes some fabrics in contact with a filling (i.e. upholstered) but also includes different fabric which is not in contact with any upholstery (such as on back and side panels of some furniture) then does this fabric have to be tested as if it is upholstered? The proposed text suggests that the answer is 'yes' although this may seem overkill for fabrics which are not in contact with any filling. However, where such a fabric is both in contact with a filling and the same fabric also not in contact elsewhere in the product then the fabric should still be tested.

(4) As laboratories, we cannot know whether a Schedule 3 interliner will be present or not. Therefore it may be necessary to consider issuing test reports which contain a 'fail' result for the match test but with added comment drawing attention to the proviso permitting such fabrics to be used if they pass the cigarette test and are used in conjunction with a Schedule 3 interliner. UKTLF will meet in December to discuss how or if this can be done in a uniform manner to ensure a consistent presentation to the customer.

United Kingdom Textile Laboratory Forum
www.uktlf.com
email: info@uktlf.com

(5) The approach to the period of time required for conditioning is inconsistent across the various flammability tests. It is proposed to reduce the time from 88 hours to 16 hours for the match test – which we agree with. However for all other tests including the cigarette test, Schedule 3 interliner test, and the test for components close to the cover as well as the various fillings tests, the time remains at 88 hours. Whilst we agree that fillings may require longer periods to achieve moisture equilibrium, for most textile tests a period of time of 16 hours is generally sufficient. Furthermore, after any water soaking pre-treatment, it is vital that the conditioning time does not start until after the sample has achieved dryness (i.e. has achieved a constant mass). UKTLF offers our expertise in trying to arrive at a manner of specifying the point at which conditioning commences after the after soaking treatment.

(6) The conditions of measurement for the thickness of the fibre wrap are badly worded since it currently could be misread as implying that the thickness is measured using a weight of 200g whereas what is actually meant is that the fibre warp shall have a weight of 200 gsm and a thickness of 20±5mm when measured using a presser foot of 2000mm² and using a pressure of 0.1 kPa. A simple reworking of the relevant sentence would correct this issue.

(7) Can you please confirm that Schedule 3 interliners would continue to be tested directly over non-flame retardant foam and not the new CMHR foam, with or without the fibre wrap, as is intended in the proposed new match test. Given the rationale for changing the foam used in the match test, it seems an inconsistent approach to retain the non-FR foam in the Schedule 3 test.

(8) Some members are concerned that the renumbering of the Schedules may cause confusion during and in the immediate aftermath of the transitional period between reports produced under the existing Schedules and reports produced under the new proposed Schedules. It might be better to try and retain as many of the original Schedule references as possible in order to avoid such confusion. For example, will Schedule 2 Part 1 of the 2015 Regulations be confused with Schedule 2 Part 1 of the 1988 Regulations? As labs, we will inevitably end up having to resolve what testing is actually required by the customer which will involve unnecessary time and amendment to existing test request forms, report formats, etc. in order to resolve the issue which could be avoided.

UKTLF remains willing to assist BEIS in achieving improved clarity of the proposed Regulations so as to minimise any ambiguity and ensure a consistency of approach between not only our own members but other global laboratories performing this testing.

Yours sincerely,

[redacted]

[redacted]
Hon Secretary