2016 - 107

Response ID ANON-F7WP-299D-C

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-10 13:15:29**

Introduction

Redacted

1 What is your name?

Name:

2 What is your email address?

Email:

No

3 What is your organisation?

Organisation:
Steinhoff UK Bedding

4 How would you classify your organisation?

Organisation type:
Manufacturer

Other - please describe here:
Manufacturer of beds, bed bases and headboards

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 definition in the scope now looks better defined.

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 agree with the proposal to remove mattress protectors from the regulation, but the definition of mattress protectors should be more closely defined.
The key difference is that a mattress protector is used for hygiene reasons and a mattress topper is used to provide enhanced comfort or support.
The consultation defines mattress protectors as those which can be placed in a washing machine. It would be easy for manufacturers of comfort or support enhancers with a reasonable element of fillings to redefine their products as protectors that can be washed in larger commercial machines. Also the current regulation does not define the size of the washing machine is this a domestic large machine or a commercial machine?
Would it be better to define a mattress protector as an item below a set grams per metre squared?

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:
The definition in the draft of cushions and seat pads has been improved, however it would more easily understood if both items came under the same definition.

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?

Not sure

Comment box:
It is agreed that the definition of outdoor furniture needs to be improved. But is the definition clear?

Could manufacturers for instance interpret the regulation by marking all furniture as not suitable for indoor use i.e. for outdoor use only and thus avoid the need to comply with the regulation?
This would be a detrimental step in fire safety terms.

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:
This would be a positive step forward, we would also agree with the proposal to exclude car seats as per the draft regulations, but not in the consultation document.

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:
Currently furniture is only accepted for resale if the original fire label is in place.
The problem however is with items which are reupholstered, the consultation document states that the original permanent label must be in place, this would be impossible in this instance.
This would mean this sector of the industry would either be non-compliant or forced out of business.

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 will simplify the testing and more accurately represent the composition of modern furniture.

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:
There is concern in the industry that the specification of the fibre wrap is not sufficient, and it would be better to define the fibre as not to have FR fibre.
Measurement of fibre loft/thickness is also difficult given the nature of the product and could lead to inconsistencies in measurement.
The foam specification would be possible to be simplified however in the draft regulation it references schedule 1 part 1 compliant foam in the draft schedule I part 1 is the list of revocations.
Should it not reference schedule 4 part 1?

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

Yes

Comment box:
Yes this would be the least complicated method of ensuring compliance for manufactures.

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

No

Comment box:
We cannot accept this definition for these reasons.
The measurement of a 2 mm hole will be at best difficult and there is no tolerance given (it must also be acknowledged that the majority of cover fabrics will not form regular shaped holes when tested).
The majority of fabrics used in modern furniture manufacture are made of man made fibres and will split under test, but these fabrics are currently compliant to the current regulations. So this would either preclude their use or enforce additional manufacturing costs to achieve compliance by either of the two other options for no gain in product safety.
This test regime will lead to inconstancies in test results between test houses, with manufactures and enforcement bodies being unsure as to whether compliance has been achieved.
The need to test 5 times will introduce a greater test burden upon manufactures with financial and time consequences.
Compliance in the industry will try to be achieved by an increased use of flame retardants.
The current test is more easily understood and produces more comparable results.

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

No

Comment box:
The current test is not well defined especially when it comes to small items which are close to the cover i.e. hog rings, buttoning threads etc.
This will make it a difficult route to compliance, in the original consultation their was an exclusion list which would have made this an easier route to follow.
This route to compliance would also increase the use of flame retardants as inner materials would have to be FR treated to obtain compliance.
Whilst we accept that Fire Safety is of prime importance this will drive up cost to both the manufacturer and the consumer with increased test costs and raw material costs.

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

Yes

Comment box:
Generally this would be a positive move forward although it should be noted that if fashions change and the industry moves to more natural fabrics there will be an increased smouldering risk.

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:
As the draft regulations stands we would be pushed down the Non protective cover and components test route for the following reasons.
It is difficult to find a consistently compliant schedule 3 interliner.
Most modern fabrics will not meet the requirements to be able to be interlined.
Man made fabrics will split when tested with a match flame.
If the protective cover definition were revised this would be the preferred route from both a cost point of view and a reduced use of flame retardants against an increased use for the non protective cover method.

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:
Increased usage due to the need to follow the non protective cover route to compliance.

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:
More flame retardants will be required for items within 40mm of the cover or to ensure that a cover fabric is protective.

Traceability and enforcement

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

Yes

Comment box:

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:

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:
A symbol would be the easiest and most consistent method to indicate the use of 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 a number of differences between the proposals and the draft regulations that need to be resolved prior to introduction i.e. it is not clear whether or not private rental properties are covered by these regulations.
Some of the definitions are unclear for example the use of beds, bed bases and bases , the regulations state that beds and divans (including the bases and headboards of both) that make interpretation difficult. From this definition it is unclear whether a headboard is included or excluded from the regulation. Our current understanding would be that if a headboard/foot board was sold was sold with a bed as a unit it would be excluded but if sold as an individual unit it would be included.
Our preference would be that headboards are treated in the same way as mattresses and divans given their lower fire risk.
It would also appear from the draft that mattresses would need to comply with 40mm from the cover component test, this doesn't make sense as mattresses are excluded from these regulations, is this a drafting error?
These two areas alone requires clarification prior to introduction to prevent confusion and allow manufacturers to comply.
It is disappointing to see that the test standard references have not been updated to the most up to date versions of the standards, this requires test houses and manufacturers to hold withdrawn copies of standards and leads to test regime confusion.
The preferred option would have been to include all test methods within the regulations themselves.
It would also have been of benefit to update the reference to the test cigarette as the original cigarette is now unavailable where as it is possible to purchase a NIST cigarette. This would mean that post publication users would immediately become non-compliant but not unsafe.
We also note that in the new regulation it is permitted to dry a water soaked fabric (schedule2) by any means, whereas best practice dictates that line drying is used.
We would also like to understand the rationale behind removal of the 72 hour conditioning period.
There are a number of inconsistencies between the draft regulation and the consultation document as well as errors in the draft regulation itself these need to be addressed.

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:
This will be dependant upon the size of the business and the number of new products introduced per year. A better assessment would be by model i.e. 48 hours per model and an ongoing time of 18 hours per model.

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

Amount saved::

Not sure

Comment box:

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

Amount saved::

Nothing

Comment box:
We would envisage that we would increase the amount of flame retardants used to comply with the revised regulations.

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 increased number of match tests now required i.e. 5 instead of 2.

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:
Some positive compromises have been made but there are still some areas which require clarity and we don't feel these changes will achieve the original goals i.e. reduction in the use of FR's without compromising on safety.