2016-114

Response ID ANON-F7WP-2991-S

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-11-09 12:43:20**

Introduction

Redacted

1 What is your name?

Name:

2 What is your email address?

Email:

No

3 What is your organisation?

Organisation:
Ultra Furniture Ltd

4 How would you classify your organisation?

Organisation type:
Manufacturer

Other - please describe here:

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 new definition appears to be 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. In terms of making a differential between mattress toppers and mattress protectors, we would suggest that the mattress topper adds comfort and cannot fit in a domestic washing machine – however probably the weight capacity of the washing machine will also need to be defined. We have concern that the draft regulations do not define what a topper is in the same way as the consultation document and that mattress protectors that can be washed are excluded. Any product can be washed (i.e. by hand, industrial washing machine). The definitions in the draft regulations are not good enough.

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 a good idea. We would suggest, however that product has moved on and that rather than have two different sizes, both scatter cushions and seat pads are classed as less than 60cm x 60 cm x nominal thickness (which should be less than 60 cm).

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:
We agree that the definition of outdoor furniture needs to be improved. Is it clear that the only items that are excluded are those not suitable for use in a dwelling which must also be marked as such. It could be interpreted that even if a product was suitable for use in a dwelling it could be excluded if it was marked 'For outdoor use only', which would be a step back in 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:
We believe this is a positive step and we also agree for the exclusion of children's car seats as noted in 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:
It is currently common practice for the 3rd sector to only accept furniture for sale if it has the permanent label attached. The question, however is more for reupholstery. The consultation says that the product must carry the original permanent label, for a re-upholstered product this would not be possible and could either drive re-upholsterers out of business or cause them to become non-compliant.

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:
Yes this will simplify the proposal

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:
The foam could be simplified, however as written if references a schedule 1 part 1 foam, now schedule 1 is revocations. There is some concern that the fibre wrap has not been specified fully, some form of density specification, or fibre diameter measurement should be supplied. Also the specification in the draft regulations reference a schedule 2 part 1 compliant foam. Schedule 2 is now the cigarette test. May be it would be easier to leave the order of schedules alone.

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

Yes

Comment box:
We agree to this as this would be the simplest route to compliance

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

No

Comment box:
We do not accept this definition. The 2 mm diameter hole will be difficult to measure, and there is no tolerance. Many cover fabrics (predominately that contain man-made fibre) currently satisfy the current protective test can split by more than 2 mm diameter, but will now be non-protective. Also when the flame is applied the split tends to be a line, not a hole. It is expected that this test will cause a lot of

variation in use. Also it is noted that in the draft regulations the test has to be made 5 times (10 applications of the flame) and pass 4 times. This will be very expensive as it will require 5 times the test materials and 5 times the cost of test. This does not seem to have been accounted for in the impact assessment. It is noted from the Technical Panel documents none of the assembled experts supported this definition of protectiveness. This may lead to an increased use of fire retardants for compliance. A better test is the current test over a non-combustion modified foam, which for all its faults is very clear and simple to understand when a fabric is compliant.

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

Not sure

Comment box:
In its current form in the draft regulations it could be a difficult route to follow as it adds significant layers of due diligence to ensure all components are compliant. This may have been easier to introduce with an exclusion list, as originally proposed. Whilst fire safety is of prime importance, this may drive up cost. Also the test is not well defined and does not explain how small or shaped components should be tested. Should some small components be excluded, for example, due to their lower fire risk?

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

Yes

Comment box:
Whilst there are a small number of fabric blends and leathers that satisfy the match test and fail the cigarette test, these are estimated to be less than 1% of all fabrics used.

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 is a very difficult. Any one manufacturer may use a selection of different fabrics, filling and support mechanisms on different styles of furniture and this may drive them down a different route for different models. The schedule 3 interliner route allows the use of any fabric, but significantly adds to the cost as effectively the covers have to be made twice (once with the interliner and once with the cover fabric). Also this would increase the use of fire retardants on the interliner itself. The protective cover route would be the closest to the current situation, but it is believed that the variability in the test and the additional test costs may make this a less favoured option. The non-protective cover and compliant components is still a relatively unknown quantity. We know that there may be issues with components such as zips and webbing not satisfying the test.

18 For business respondents - What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

Not sure

Comment box:
It is an unkown. There are concerns that the protective cover route may actually drive up flame retardant usage.

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 expected that the use of flame retardants overall may increase, whether that is with protective covers, increased interliner usage or modifying the components close to the cover

Traceability and enforcement

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

Yes

Comment box:
Overall this is a positive step. The only concern is that there may be a significant additional cost for re-upholsters, small and bespoke manufacturing businesses.

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. The only comment would be that in own branded product a retailer would assume the role of manufacturer?

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:
Text would be the best method. However is this requirement slightly misleading as flame retardants would be used on interliners, in some fillings and some items close to the cover.

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:
It is difficult to provide a perfect transition period due to different volume production, times models stay on the market and different stock regimes, but broadly overall this seems sensible

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. It is not clear from the Regulations whether private rental properties (both residential and holiday) are covered by these Regulations – there are in the current Regulations. Would pet beds be covered by the regulations? There are areas where terminology is not clear (e.g. the use of beds, bases and bed-bases) and this make 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. It is presumed that the schedules needed to be reorganised for legal reasons. This could cause confusion as many people understand the current schedules, especially during the lead-in period where both sets of products will be available. It is disappointing that the test methods still reference old test standards and modify them. It would be clearer if the complete test method was included in the regulations – and work has been done on this previously. It is disappointing that the cigarette test for relevant materials is still a composite test (i.e. using the actual filling materials used in the final product). This is difficult and is not the route to compliance currently used, where the fabrics are used with a 'worstcase' filling and then sold to be suitable with any filling (this is a route currently accepted by Trading Standards). Also it is disappointing that the cigarette used for this test has not been updated (say to the NIST test cigarette) as the cigarette in the regulations is currently unavailable. This would most likely mean that a set of regulations would be published where immediately users of relevant materials would be non-compliant, although not necessarily unsafe. Also it is noted that where a water soak test in required in Schedule 2, it is dried by any means possible. The state of the art is to line dry the fabric (which has been incorporated into Schedule 5). In Schedule 5 it is not clear why the requirement for conditioning a cover fabric for 72 hours at indoor ambient conditions has been removed.

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:
The amount of time will be dependant on the size of the business and
the number of models introduced per year. A better estimate would be a one off cost
of 48 hours per model, with 16 hours per model ongoing

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

Amount saved::

Not sure

Comment box:
The amount saved will be dependent on the number of tests carried
out, however the sample preparation and conditioning will be the same as currently
(as most labs carry the cigarette and match test on the same sample). Therefor
expect a saving of 55% - 10% per test.

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

Amount saved::

Not sure

Comment box:
As noted it is not clear whether flame retardant use will be reduced or increased (e.g. with a protective cover or interliner route it is estimated that use of flame retardants may increase).

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 5 times match test for protective covers does not seem to have
been identified

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: