## Response ID ANON-F7WP-29RG-8

Redacted

Submitted to **Furniture and furnishings fire safety regulations: proposed changes (2016)**
Submitted on **2016-10-26 07:57:52**

### Introduction

**1 What is your name?**

**Name:**

**2 What is your email address?**

**Email:**

Yes

**3 What is your organisation?**

**Organisation:**
Ross Fabrics

**4 How would you classify your organisation?**

**Organisation type:**
Small business (10 to 49 staff)

**Other - please describe here:**
Fabric Wholesaler

### 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:**

**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:**
Sensible to clarify this anomaly

**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)?**

Yes

**Comment box:**

**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?**

Yes

**Comment box:**

**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:**
Gives purchasers and charities confidence in the furniture.

## 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:**
It was previously confusing to have 2 levels of testing which would have led to 2 categories of cover which in turn would have produced a higher number of errors and a higher risk of abuse.

**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:**
Whilst not being sufficiently informed to dispute the experts view on chemical specification , it would seem sensible to have a standard foam / fibre wrap for testing purposes to ensure the consistency of test results as it is likely that different foam / fibre wrap combinations could produce differing test results on the same cover.

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

No

**Comment box:**
The introduction of the Protective Cover status is likely to create 2 categories of fabric defined by which test it passes. This is a similar scenario to the 2 "Filling" options in the 2014 Consultation. As a fabric wholesaler we know that the majority of our customers ( both manufacturers and Upholsterers ) do not undertake their own FR Testing but instead rely on ourselves to regularly test all of our covers and to supply copy certificates as and when requested. It is therefore likely , in our opinion , that these same Manufacturers and Upholsterers will want to avoid having to ensure that the various components close to the cover are fire retardant and as a consequence the demand for Protective covers will increase significantly . Additionally , each cover range would have to be categorised as either Protective or non Protective and documentation , such as invoices , delivery notes and price lists would have to be changed to ensure that anyone purchasing fabric is at all times aware of whether a fabric is Protective or not and the associated implications.
It is therefore possible that a fabric categorised as Non Protective could be viewed as inferior to a Protective fabric and consequently sales of these items would decline leading to fabrics being altered in order to become Protective. If the methods undertaken to achieve Protective status are of a chemical nature then this could lead to an increase in the usage of chemicals in the manufacture of furniture.

The use of both Protective and Non Protective covers (and the respective implication for "close" components) by manufacturers and Upholsterers is likely to be very confusing and could easily lead to a potentially unsafe combination of a Non Protective cover and Non FR components whether it is due to error , negligence or cost .

Due to the subjective nature of the proposed Protective test it is possible that the regular testing of any given cover could alternately classify that cover as Protective and then Non Protective on successive tests which would lead to huge confusion amongst upholsterers and be totally unworkable as there would be no confidence in the correct categorisation of each cover.

It would be far simpler to remove the Protective cover status and require all components to pass their own match test. This would remove the complexity of the current proposal and the ambiguity created by having numerous options.

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

No

**Comment box:**
The method for determining the size of a hole is very subjective , difficult to measure and over reliant on human interpretation which will lead to inconsistent test results. It is also likely that as the test is more complex than the existing FR test and requires close inspection by a person , the cost of a Protective test could be higher than at present.

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

Yes

**Comment box:**
Whilst not directly affected by this proposal it would seem sensible for all components to have some resistance to fire rather than placing all of the responsibility onto the cover. Instead of allowing the Protective status as an alternative it would be less ambiguous and confusing if ALL components close to the cover had to pass their own Match test.

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

Yes

**Comment box:**

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

Protective cover

**Comment box:**
We are a fabric wholesaler. However we are concerned that Manufacturers and Upholsterers who do not use a Schedule 3 Interliner will favour the Protective cover route ( thus avoiding the need to test components) which will push the problem onto fabric suppliers once again and increase the demand for Protective fabrics which in turn will probably increase the use of Fire Retardant chemicals.

**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:**
If the Protective status is adopted and the demand for Protective fabrics increases as a result then it is possible that the use of flame retardant chemicals could actually increase.

**19 For business respondents - What do you expect the impact of the testing proposals to be on your overall use of flame retardants?**

Not sure

**Comment box:**
We are only involved in fabric , but potentially the proposals could increase the use of flame retardant chemicals either in an attempt to achieve Protective status or by the need to treat components. These "extra" treatments could outweigh any reductions resulting from the move to a CM foam test.

## Traceability and enforcement

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

Not sure

**Comment box:**
In principle the maintenance of a technical file appears valid although whether small manufacturers and upholsterers are able to comply is questionable. The consultation process seems to have assumed that all furniture is manufactured by large scale operations where the computer systems and procedures relating to production scheduling also readily lend themselves to good traceability. The smaller manufacturers and upholsterers will be less able to meet the requirements for producing the suggested technical file for each of their products.
Also how will these traceability rules apply to Re-upholstered furniture where each individual job is likely to be unique and therefore not covered by a standard Product Technical file.
The requirement to keep these records for 10 years also seems very onerous for any business of any size and this time period is in excess of most other Regulatory bodies requirements for record keeping even HMRC. In many cases, over a period of 10 years, it is likely that one of businesses in the supply chain ( retailers , manufacturers , fabric and component suppliers ) would have ceased trading so hindering any attempt to trace a product through the supply chain.

**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 use of a single permanent label seems sensible and achievable. Would this also apply to Re-upholstered items.

**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:**
We think that a statement alerting the consumer to the use of flame retardant chemicals would be better than an unfamiliar symbol , although we assume that no attempt would be made to specify the exact chemicals involved as this would be totally unworkable and generally meaningless to the end user and could cause worry when previously acceptable chemicals are removed from the list. It would be better to state that the chemicals used complied with REACH at the date of manufacture.

## 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:**
The transition period seems fair and it is important to review any new regulations fairly soon after their implementation.

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

**Comment box:**
As with the 2014 Consultation , these current proposals still appear to be trying to achieve the impossible by requiring the same level of fire retardancy to be maintained whilst reducing the use of chemicals. Compared to when the Regulations were first introduced the average home has become a vastly safer environment , with very few sources of naked flames and a massive reduction in smoking in the home As a consequence the risk of a fire in the home has been substantially reduced and for many people the presence of fire retardant chemicals is of greater concern with regard to health and the environment than their perceived threat of a house fire.
When the Current Regulations were first introduced the main aim was for the fabric to protect the combustible and potentially dangerous non FR foam from catching fire. At the time there was undoubtedly a need for protection against the dangers posed by non FR foam . However , as non FR foams are no longer present in furniture then there should not be the need for the fabric to act as the "fire extinguisher" for the whole piece of furniture.
If the current Fire Regulations did not already exist and rules were being introduced for the first time then it is very likely that the proposed rules would be far less stringent and onerous than this latest consultation as they would be based on a modern day assessment of the potential dangers within the home. There appears to be a reluctance to weaken the extremely onerous rules that currently exist "just in case" any blame could be attached in the future should an unfortunate incident occur.

## 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?**

Not sure

**Comment box:**
We are a fabric wholesaler and so much of the traceability proposals do not apply to us.
We can already trace every individual roll of fabric.

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

**Amount saved::**

Not sure

**Comment box:**
Difficult to say - this will be in the hands of the test houses who I am sure will want to protect their income.

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

**Amount saved::**

Not sure

**Comment box:**
Whilst the removal of the cigarette test could reduce the annual cost of testing this could be more than offset if the Protective Cover Status is introduced as this test will undoubtedly be more expensive ( due to the need for hole size to be individually assessed/measured by a person ) and it may also involve an increase in the use of flame retardant chemicals.

**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:**
The implementation and maintenance of the technical file could prove to be more onerous than anticipated and therefore more costly to administer.

**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:**

Overall the Proposals fail to achieve any real progress as the undoubted improvements such as Clarifying the Scope , Testing over 1 filling , the use of CM foam and the removal of the cigarette test have been negated by the subjectivity and complexity of introducing a Protective status and an increase in the traceability requirements. At present the UK has one of highest levels of FR regulations in the world and until we are prepared to accept that they may now be a little excessive in the modern world then little progress is likely in reducing the use of chemicals.

The fact that a "Flow Diagram" (as printed in Note 81) is required to show the various combinations of protective / non protective fabric , Schedule 3 interliner , FR and non FR components that are possible to comply with the proposed rules demonstrates how complicated these rules would be to follow in a normal working environment. Unless an upholsterer always uses a Schedule 3 Interliner , then switching between Protective and non Protective fabrics and FR and non FR components would inevitably lead to errors being made.

We believe that removing the 2 Tier ( Protective / non Protective ) status for fabrics and requiring all "close" components to pass a match test would be an effective and workable solution which would be easy to follow , understand and trace.

Taking the key positive points from the Proposal :

Match test over CM Foam & Fibre wrap combination
No Protective Status
All "close" components to pass their own match test unless Schedule 3 Interliner is used.
No Cigarette test when fabric passes match test

The above would produce an unambiguous set of rules that are easy to follow as they avoid the confusion and uncertainty created by having more than 1 category of fire protection and produce a test that is more reflective of current components and manufacturing methods.