



Rhwydwaith  
**CYMUNEDAU MWY DIOGEL CYMRU**  
WALES SAFER COMMUNITIES  
Network



Office for Product  
Safety & Standards

# **Smarter Regulation: Consultation on the new approach to the fire safety of domestic upholstered furniture:**

## **Response form**

This consultation closed on: 24 October 2023

## Consultation Questions

### 1. Does your organisation require a transitional period, and do you have any comments on the period proposed?

As a Network Team we will not require a transitional period but we understand that one may be required by member organisations and that the 18 month transitional period suggested is appropriate, providing that is from when any supporting documents are provided and not just when legislation comes into force.

#### Economic Operators

### 2. Do you have any comments on the Economic Operators included as having obligations? Are the associated obligations appropriate? Are there any economic operators that we have not considered?

There may be specialist operators who are not covered in the list who provide for HMPPS, NHS. It may also include care homes, extra care units and educational settings that provide furnished accommodation.

#### Product Scope (1)

### 3. Do you agree with proposals for which products should fall within scope of the new approach? Please provide as much evidence as possible to support suggestions.

We are concerned that curtains and many items linked to baby or child safety have been excluded as well as bedding including duvets given that fires frequently occur when people are sleeping unless higher standards are going to be applied to these items then the reason for their exclusion is not clear.

#### Product Scope (2)

### 4. Are any of the product types referred to as being in or out of scope ambiguous, and would they benefit from further definition?

There does not appear to be any ambiguity in the descriptions as laid down. Our only comment would be around where sizes are stipulated if more than one is joined together or placed together then it should be counted as one continuous or it leaves a potential loophole.

#### Outdoor Upholstered Products

### 5. Do you agree that outdoor upholstered furniture should remain in scope of the regulations, unless an Outdoor upholstered product warning label is affixed?

We think it should remain in scope even where a label is affixed as these are often difficult to locate being underneath or behind the seat.

**Upholstered Products Manufactured Prior to 1st January 1950**

**6. Do you agree with the proposal to retain the policy of exempting all products manufactured prior to 1st January 1950 from the regulations?**

Yes, unless they are being re-upholstered then they should come within the new legislation.

**Essential Safety Requirements – New Upholstered Products**

**7. Do you agree with the proposed essential safety requirements? If not, please provide evidence to support your assertions.**

Yes

**Flame Retardant Technology Hierarchy**

**8. Do you agree with approach proposed by the hierarchy?**

Yes

**Conformity Assessment and Testing**

**9. Do you agree testing a composite or representative sample of the final item is the correct approach to assess the safety of upholstered products?**

Yes, this would appear appropriate providing testing on materials individually was completed ahead of assembly so each component part is understood and to limit unexpected consequences.

**Labelling**

**10. Do you agree with the labelling proposals, including the requirement to list chemical flame retardants on the label? If not, please explain and provide any evidence.**

Yes

**Traceability – Technical File**

**11. Do you agree with the suggested contents of the technical file? Please include evidence to support the inclusion of further elements or removal of elements included in proposals.**

Yes

### Re-Upholstery

**12. Do you agree with the proposals for a re-upholstery permanent label?  
Please provide evidence to support any suggested changes.**

Yes

### Second-hand Upholstered Products

**13. Do these proposals strike the right balance in facilitating the second-hand market and ensuring that only safe products are supplied?**

Yes

### Online Marketing

**14. Do you agree with the proposal to require product labelling information to be included in online product listings?**

Yes, however how this will be checked and enforced is a matter of concern as this could become unmanageable to monitor and therefore enforce.

### Enforcement

**15. Do you agree the proposal to extend the period for instituting legal proceedings should be extended from six to 12 months?**

Yes

### Review of the Regulations

**16. Do you have any comments on the proposal for a 5-year review clause?**

A review period would appear appropriate and given the changing market-place it may be appropriate for a maximum of five years for a review but one can be completed sooner if appropriate.

### Impact Assessment

**17. Do you have any comments on the detail of the impact assessment?  
Please provide any evidence or data that should be considered alongside the figures outlined.**

The impact assessment does not include any mention of potential equalities or vulnerable groups who could be negatively or positively impacted. Given the exclusions for a number of items for babies and children which could be a negative impact or older people or disabled who live in excluded accommodation types. In addition it may have a greater impact on those who are socio-economically disadvantaged as they may not be able to afford new upholstery which meets the standards and which then impacts on either their health or safety in the home. In addition, there is no mention of the notices being available in Welsh where items are being sold in Wales.

### Definitions (1)

**18. Do you have any feedback on the list of locations that are included and excluded from the definition of private dwelling that sets the scope of the regulations?**

We are aware that bed and breakfast accommodation and hotels are being used for temporary accommodation solutions and therefore we think these should be included in the definition.

We would also expect any residential care home or children's home which provides furnishings should also be included, but those that residents provide should be excluded.

### Definitions (2)

**19. Do you have any further comments on the definitions?**

We were surprised there is no reference to the Fire and Rescue Service who provide home safety checks for vulnerable people and as such may provide information and advice to consumers.

Please email response form to [furniturefire.safety@beis.gov.uk](mailto:furniturefire.safety@beis.gov.uk)