

Chartered Trading Standards Institute (CTSI) response to DBT Consultation - Smarter Regulation: Consultation on the new approach to the fire safety of domestic upholstered furniture

Response sent to – furniturefire.safety@beis.gov.uk

This response is being sent on behalf of The Chartered Trading Standards Institute and has been compiled by the expertise of CTSI members.

ABOUT CTSI

Founded in 1881 (as the 'Incorporated Society of Inspectors of Weights and Measures'), today's Chartered Trading Standards Institute (CTSI) is one of the world's longest-established organisations dedicated to the field of Trading Standards and Consumer Protection. And, after more than 140 years of progress, we remain immensely proud of our close association with the Trading Standards profession and the vital work it continues to do – promoting fair business practices, tackling rogue traders and, ultimately, protecting UK consumers.

At CTSI and through the trading standards profession we aim to promote good trading practices and to protect consumers. We strive to foster a strong vibrant economy by safeguarding the health, safety and wellbeing of citizens through empowering consumers, encouraging honest business, and targeting rogue practices. We provide information, guidance and evidence-based policy advice to support local and national stakeholders including central and devolved governments. CTSI is responsible for business advice and education in the area of Trading Standards and consumer protection legislation, including running the Business Companion service to provide clear guidance to businesses on how to meet their legal and regulatory obligations.

CTSI is contracted to undertake CCAS's administrative functions which facilitates high principles of assisted self-regulation through strict codes of trading practice. This ensures consumers can have confidence when they buy from members of an approved scheme and also raises the standards of trading of all businesses that operate under the relevant sector's approved code.

CTSI run training and development events for both the Trading Standards profession and a growing number of external organisations. We also provide accredited courses on regulations and enforcement.

Consultation response:

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

No comments

Economic Operators

2. Do you have any comments on the Economic Operators included as having obligations?

No comments

Are the associated obligations appropriate? Are there any economic operators that we have not considered?

Online marketplaces and fulfilment houses are outside of scope and do not have any obligations/responsibilities. Many consumers acquire products through such business and may suffer economic and physical harm by purchasing non complaint/unsafe products.

Product Scope

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.

All mattresses should be in scope regardless of size. The risk of flammability would be the same. Duvets, quilts and pillows could also be in scope – what is the difference between a pillow and a cushion as regards risk. The risk remains the same and any new approach should take this into consideration.

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

Upholstery intended to be used with baby furniture could be further defined as not clear what this is. This would benefit from further definition.

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?

Yes – but risk of abuse by manufacturers of using the outdoor label when it is inherently foreseeable that the product will be used or stored indoors.

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

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, but will be extremely important to establish safety standards/limits in respect of the terms ‘readily ignite’, ‘self-extinguish’ or ‘burn slowly’ or ‘jeopardise the safety of any consumer’.

Flame Retardant Technology Hierarchy

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

Yes, but need to be careful in regard to the term ‘practicable’. Will need further clarification and guidance.

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

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

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?

Impact Assessment - Trading Standards are currently not resourced effectively and any new burdens on the service would need to take into account funding to support enforcement activity.

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.

No comment but see answer to question 16.

Definitions

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?

No

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

No