**Written evidence submitted by Peter Wragg, FRETWORK**

FRETWORK is the organisation representing UK producers of flame retardant treatments and treated textiles.

More information may be found at the web site: <https://fretwork.org.uk>.

**1**              The Members of our group are the companies working in the UK to produce chemical formulations and treatment oftextiles to provide ignition resistant upholstery for the UK Market. They have a unique understanding of how The Upholstered Furniture (fire) (Safety) Regulations is used in the production of Ignition Resistant Consumer Products in the UK and how that process is managed. These are generally referred to as “FFR”.

Commentary:

One of the major facts that FRETWORK fails to mention in its submission is that while the FFRs remain unchanged its members continue to make millions of pounds profit yearly, i.e. because the existing FFRs lead to huge volumes of flame retardants in UK furniture while the proposed changes by BEIS in 2014/2016 would reduce FRs in cover fabrics by up to 50% immediately, and to nothing in time, costing the FR and treatment industries around £50m per year and rising.

I suppose it's true to say that they 'have a unique understanding of how the Upholstered Furniture (Fire) (Safety) Regulations [sic] is used in the production of Ignition Resistant Consumer Products in the UK [sic]' in that all the actual evidence shows that furniture products under the Furniture Regulations aren't in fact ignition resistant.

**2**              Some other facts about our Group:

a)    We work with chemicals

b)   We manage that most carefully.

c)    We are uniquely placed to understand the shortcomings of the FFR, working with them on a daily basis.

d)   The FFR has many faults and the procrastination surrounding the need for a review is something we are well aware of.

e)    We fully embrace the principles of REACH and put them into our actions.

f)      Hazardous chemicals are clearly defined under REACH and they must be either avoided or managed appropriately according to end-use scenario models as described by REACH.

g)   In other words the chemicals we use have been assessed as being used in certain applications and assessment has been made to ensure that a proper care has been applied – according to the data provided by REACH – for the particular end uses.

h)   We have a scheme that you will we are sure be ready to recognise and welcome as addressing in a practical and realistic way the proper management of the use of chemical substances.

i)      The FFR is effective and we have previously and elsewhere answered the criticisms made. However, the FFR have “imperfections” that have remained without being addressed over many years on weak and spurious justifications. For the sake of clarity: Many years would be about 20 years.

Commentary:

FRETWORK has remained silent on two key issues: that FR treatments easily wear off furniture products and the potentially criminal activity of undertreatment (as confirmed by Trading Standards as a major reason that the match test fails in finished products).

FRETWORK may be well aware of the 'procrastination' around the review of the FFRs but it has done little to nothing about it, other than to ensure the status quo continues.

It says it 'fully embraces the principles of REACH' – but REACH is chemical law that it does not have any choice in embracing. REACH registration does not guarantee that adequate assessment of risk has been undertaken by the producer. FRETWORK tries to imply that the chemicals its members use have been assessed by REACH but the fact is that the majority of these chemicals have so far only been assessed by the industry itself, pending REACH instigating a more thorough assessment at a usually much later date.

FRETWORK's 'scheme' – Code of Practice (see below) – in essence says little more than it's up to the industry to set its own standards and stick to them. FIRA also has a code of practice ready to go. Both have probably been developed to potentially replace the FFRs when it's finally clear that the government is incapable of updating them, but these codes are very much designed to preserve the status quo where large volumes of FRs in our furniture are concerned.

Their final statement under 2 is not only contradictory it's untrue:

*"The FFR[s] is effective and we have previously and elsewhere answered the criticisms made. However, the FFR have “imperfections” that have remained without being addressed over many years on weak and spurious justifications. For the sake of clarity: Many years would be about 20 years."*

FRETWORK claims the FFRs are 'effective' – without providing any evidence or proof, e.g. against the technical research and papers that prove they aren't. Then they claim there are 'imperfections' in the FFRs – again, while this is true, they give no examples; nor of the claimed 'weak and spurious justifications' for these imperfections being preserved. It's also not clear why they believe these justifications have been running for 20 years; most have in fact been running since the FFRs began in 1988.

**3**              There are problems with the FFR and the way it is enforced that are seldom highlighted and they could all contribute to an analysis of the Deaths and Injury statistics for domestic fires leading to a perceived lack of effectivity. This lack of understanding allied to a lack of will to review is a major concern.

This is in stark contrast to the tinkering approach allied to an attempt to cast it in a modern context that has also determined that the review efforts to date have achieved nothing.

Commentary:

Once again, this is opinion expressed as fact, with no examples and no evidence provided. It is true that 'there are problems with the FFRs' and the way they are enforced but it's completely wrong to say these are 'seldom highlighted'. The 2014 BIS consultation papers highlighted these problems in great detail as well as provided the solutions. This, of course, is why FRETWORK does not provide examples: because each could be easily rebutted.

Again, no examples are giving of how this skews the fire statistics. FRETWORK tries to imply that a lack of understanding of the true problems with the FFRs mean these stats are being misinterpreted to suggest the regulations don't work. In fact, the researched and reasoned findings in BIS's consultation documents and technical annex set out very clearly why the assumptions made in the statistical analysis reports are false, i.e. because they were based on the assumption that the regulations work.

They offer the opinion that BIS's proposed changes to the FFRs were 'tinkering' but again with no examples. In fact, the proposals were the most researched and consulted upon in the history of the regulations. And this 'tinkering' is not the reason that the review of the FFRs so far has achieved nothing: the reason is that concerted pressure from industry, including FRETWORK, on weak or corrupt civil servants has ensured nothing changes. It's also important to note here that FRETWORK is well aware that a decision to cut the match test altogether is a distinct possibility for the UK, to bring it in line with the rest of the EU and the USA; that further evidence of the harm that FRs do since the original proposals were made means that cutting the test is now the best net benefit move. Which would be disastrous for their profits.

It also makes no mention of the fact that in 2014 Trading Standards reported to BIS that most fabrics fail the match test and that one of the main reasons for this is undertreatment, i.e. FRETWORK's own members are regularly and deliberately increasing their profits at the expense of public safety. Since the practice of undertreatment was publicly revealed in BIS's 2014 constulation document, FRETWORK has made no comment about it all and has provided no reassurances that it will ensure its members desist from what is in effect an illegal practice.

**4**              We offer some examples of the “modern world” issues that have been somehow overlooked:

**5**              The FFR employs the use of a soak test to make textiles treated with a water soluble flame retardant system fail the burntest. Whilst recognising this concern today we must recognise also that with modern sizes and processing additives, most textilesused in upholstery are not scoured out during fabric preparation. When the soak test is used, these process additives are easily removed and have a considerable distorting effect on the textiles when they are subsequently dried. We may speculate on the effectof these changes in subsequent burn testing but we can state without doubt that what is burn tested is NOT what the consumer receives. What effect this may have on testing effectivity remains undetermined but certainly this and other factors will also contribute to any assessment of disparity between the safety of the tests and casualty figures.

Modern Process Control systems are more than capable of addressing concerns surrounding which chemical systems we use and that would include water soluble flame retardants. However, nowhere do the FFR actually describe the use nor the necessity to avoid the use of water soluble flame retardants.

Commentary:

It's very difficult to work out what FRETWORK is actually saying here. The soak test is designed to weed out any immediately water soluble treatments, not to make such treatments 'fail the burn test'. It's possible they are referring to the effect that stain-repellents can have on such treatments towards making them fail the test but if so then that is how it is: BIS lawyers informed the industry that testing must be undertaken on the final preparations of fabrics (e.g. including any stain repellents – which is not being done by manufacturers). FRETWORK appears to be suggesting that its 'Modern Process Control systems' will take care of this perceived problem but without actually saying how.

**6**              Our position of involvement and decision making in the supply chain is sometimes unusual. If we consider the use of fluorocarbon stain release treatments for textiles we may perhaps give a better understanding of where we sit in the scheme of things. We are well aware of the concerns surrounding the use of fluorinated substances. They have had a significant role in modern textile products and have been applied widely in upholstery textiles. We may say, with some justification, that our usage in textile processing will deliver technical performance of significantly improved effect and with a measurable stability in use. Our handling of these substances would deliver a good degree of control of emissions. This must be contrasted with the widely offered application of fluorocarbon stain release systems to items of upholstery – even at or after the Point of Sale. The list of what is bad or simply wrong about this is long.

But the main and often overlooked effect is to potentially compromise the tested performance of the Textiles used to manufacture the articles. Worse still – it is not tested and so becomes a totally random wild card in its behaviour if challenged by an ignition source. This practice was widespread. The application method random and uncontrollable. The effects on stain release lack durability to use. Worst still, the whole process is uncontrolled other than a sales receipt.

Who could even start to speculate on how extensive this practice is and what effect its application had on burn behaviour? And then we have the statistics on any fires involved? Nobody knows but it is certainly a huge challenge to overcome before we start to question the effectivity of the FFR.

Our usage could be described as preferable for control and performance but also in  terms of ignition safety. Textiles are tested and proven to perform whether they are stain release treated or not and production is within traceability control.

It would not be unusual for an enthusiasm for a particular chemistry to lead to over use and misguided control of its impact and this seems to be the case with fluorocarbons. We believe our usage is certainly at the better end of the spectrum of understanding, control and care for the Environment. More importantly, it maintains our control over the ignition behaviour of the textiles used in upholstery.

Commentary:

This section is extremely difficult to follow, possibly intentionally so. But it appears as if FRETWORK is again attempting to place blame for any failures in its members' FR treatments of fabrics on the practice of adding stain-repellents. There is truth in the fact that stain repellents can make sofas more flammable and mix with backing treatments to make them more toxic but this is separate to the failures of backcoating in general. It's worth noting that FRETWORK does not offer any hard evidence, just opinion. FRETWORK is well aware that Trading Standards found up to 80% failures in the effectiveness of treatments for the match test (see above) and put those down to undertreatment – a potentially criminal activity engaged in by FRETWORK's members.

It is unclear what they mean by 'our usage' but they appear to be claiming that their code of practice will put right the problem of stain-repellents. But it won't. Apart from this being a voluntary scheme only, it is aimed at their treatment company members but, even if they submitted their treated fabrics to be tested under the code of practice (and who is going to pay for that?), there is nothing to stop furniture retailers/manufactures applying stain repellents *after* such testing – as is the case now.

**7**              There are undoubtedly other factors, not the least the lack of any evidence of the great successes of the FFR.

We would refer the Committee to our Newsletter No. 34 and the Case of the Pink Cushion (https://fretwork.org.uk/fretwork-newsletter-no-34/). This is a prime example of the FFR being highly effective and yet this is an event that would not register with data collectors. No one injured, no one died, no Fire Brigade incident. Where were such events considered when the criticism of the FFR was made? It should be noted that the Pink Cushion does not exactly show the delayed ignition risks that are so particular to the FFR but the result does suggest a much more critical risk from faulty electronic goods. To the trained eye, the damage looks much worse than the effect of a match test. The ignition risk remains as relevant today as it was in the 1980’s, if not more so.

Commentary:

It isn't clear if FRETWORK actually meant to say there isn't any evidence of the 'great successes' of the FFRs but that is true. In fact, they appear to be saying that they are now going to provide such evidence. Therefore, it's worth taking a look at FRETWORK's 'Case of the Pink Cushion' (<https://fretwork.org.uk/fretwork-newsletter-no-34/>) since it exemplifies the somewhat desperate measures taken by the chemical industry to 'prove' the FFRs work – as opposed to the mountain of actual evidence that they do not.

First, they state that the ignition source was 'apparently' a smart phone igniting. They then contradict this claim anyway by speculating that the heat source was 'probably' a 'crib 5 or more' (crib 5 refers to BS 5852, the standard which, modified by the FFRs, is used to measure the ignitability of filling materials) – one way or another, not a very scientific basis upon which to draw any conclusions. Second, FRETWORK makes no mention of the fact that if this ignition event had taken place close to the arm of the sofa concerned, or to the back, then the product would almost certainly have ignited. Third, they offer pure speculation as to what would have happened had this taken place on a non-UK sofa – 'almost certainly, it would have been turned into a very large heat source emitting copious amounts of smoke and toxic fumes. Definitely a life threatening event'. This completely ignores the fact that when a UK sofa catches fire it produces far greater amounts of toxic fumes than a non-UK product. Finally, it's difficult to know what FRETWORK is getting at by claiming that because the company which treated this cushion knows what went into the treatment then that demonstrates 'Supply Chain Traceability' under their code of practice. Their code of practice makes no reference to supplying consumers or anyone else outside the industry with details of the chemicals used in treatments (indeed, even Trading Standards wasn't able to find out from treatment companies what goes into their formulations); it merely talks about ensuring good practice, and in fact states: "Chemical formulations or products are generally the confidential knowledge of the supplier."

FRETWORK apparently believes this example is adequate testimony to the effectiveness of the FFRs and claims that it would not be 'registered with data collectors'. But the only data collectors as such are the Fire Services and Trading Standards. Where the former is concerned, it's true that they would not record an ignition event in a pink cushion that failed to catch fire (because the fire brigade would not have been called to the scene in the first place). And Trading Standards would also not have recorded the event because there was no potential breach reported to them. However, as stated, FRETWORK is placing this one apparent success of the FFRs against the evidence that around 90% of fabrics fail the main ignition in practice.

In summary, this section demonstrates the chemical industry's serious and fatal lack of data to support its contention that the FFRs are effective.

**9**              It is one of the more relevant aspects of the FFR that any usage of chemicals in textile processing since its introduction have transited from the situation of the early 1980’s to the Control Legislation of today and we are fully conversant with our Regulatory Responsibilities as they apply today. The systems and procedures employed today bear no comparison with the situation existing in the 1980’s. We do however, find that the use of historical data allied with greatly improved analytical and testing methods are an easy source of criticisms without recognising that Industry has also changed along the way. Most of the Companies involved have operated throughout this time and their experienced personnel are involved in our Group.

Commentary:

Translating the obscure wording of the opening statement, I believe FRETWORK is simply saying here that its members comply with chemical legislation. It is perhaps not surprising that they do not provide any examples of the 'greatly improved analytical and testing methods' of their members and how their systems and procedures are now 'greatly improved'. Evidence of this has always been somewhat short on the ground. Indeed, when a senior Trading Standards officer visited one of FRETWORK's treatment companies in 2014 and asked to see details of the composition of their treatments, she was told that 'Old Bob over there has got it all in is his head'.

**10**              The scheme also describes procedures employed to ensure end customer standards of safety are maintained through chemical choice and takes in Environmental concerns. This again will be an auditable part of the scheme. The choice of the substances we may use are fully evaluated within the best application practice of the objectives of REACH and including end use exposure scenario data. We believe we are wholeheartedly embracing the Spirit of the intentions of REACH and in a way that will be subject to audit. Our members were fully involved in the origins of the VECAP scheme and understand the need for ensuring, and including through audit, demonstrating proper management of the substances we use on a daily basis.

Commentary:

There is little evidence in FRETWORK's code of practice of how their members deal with 'environmental concerns' or 'customer standards of safety'. The Code merely invites its members to set their own standards and keep to them (see below).

**11**              Finally, we note that the preramble to this committee’s inquiry links the FFR regulation and the use of toxic substances (at least by implication) and we would make the fact clear that the FFR does not specify how performance under test and hence how compliance may be achieved. It is important for this reason that all the existing chemical regulatory controls are recognised, understood and applied as part of the manufacturing process when chemicals are used to achieve the required level of Consumer Safe Production. In this respect we would hope that the Committee can recognise the aims and objectives of the Group and our Code of Good Practice (FCOGP) in providing a better approach than criticism of the (neglected) regulations.

Commentary:

This is very disingenuous. FRETWORK appears to be firstly claiming that furniture is not full of toxic chemicals because their use is not prescribed by the FFRs. It then appears to be saying that any FRs used will be legal. But this of course does not change the fact that FRs in furniture make any fire much more toxic and does not address the cycle of FRs claimed safe by the FR industry being placed in millions of products, later to be deemed toxic and thereby putting consumers at risk.

**12**              The FFR are fit for purpose in addressing a very real Consumer safety concern but do require the care and attention of Review that will deal with the real issues of ensuring Consumer Safety and above all Fire Safety in what are Consumer items to be found in every home in the Land.

Commentary:

Again, FRETWORK supplies no evidence to back up this claim (other than speculation over just one burnt cushion), against the existing evidence that the FFRs are not safe. And again they then appear to contradict themselves anyway by stating that a review is necessary to deal with the 'very real issues' of fire safety [within the FFRs].

To summarise: FRETWORK offers one example of a burnt cushion as proof the FFRs are effective (speculating about the actual ignition source and what would have happened if the same fell on to a non-UK sofa) but without addressing any of the factual evidence supplied by BIS that in practice they are not.

FRETWORK has been fully involved with the review of the FFRs, and the development of the new match test, since the beginning, attending numerous stakeholder workshops and events to that end. FRETWORK also works closely with FIRA and Trading Standards. However, they have never produced any evidence against the findings that the FFRs do not work (as this submission demonstrates). Instead, they have continued to do little other than to ensure the existing failing furniture fire safety regime remains in place, thereby preserving the considerable yearly profits of its members.

FRETWORK's Code of Practice

In the 7 October 2016 issue of Cabinet Maker, FRETWORK announced its new code of practice, stating:

'Audits will be conducted independently by FIRA (BM TRADA) for all FR treatment companies who wish to be included in the scheme. On completion of a successful audit, approved companies will be certified and have the option to use FCOGP literature and Logos to benefit their customers’ own due diligence systems.'

FIRA of course have frequently displayed their preference to retain the current match test (despite the findings of their own testing work as published in BIS's 2014 consultation) possibly because the current regulations provide their members with a useful barrier to trade against non-UK competitors.

Below are FRETWORK's 11 points of 'Good Practice' (from their website) which we suggest speaks for itself in terms of the general succeeding over the specific.

**GOOD PRACTICE IS:**

1. To understand and accept the Good Practice as defined by this Code being important to the production of compliant products for the supply chain to use.

2. Establish identity control and process control systems that allow each item entering production to be linked to the process, the conditions used, other raw materials used and any process control assessments made.

3. Recording all process control information in direct connection to the goods in process.

4. Recording formulation usage data in terms of batch and quantity consumed and its relation to process control.

5. To operate process control features independent of production that ensure all goods are assessed and confirmed as meeting process control requirements in a fail-safe procedure before they are approved for despatch.

6. Allow any subsequent testing of any goods processed to be linked to all the relevant process control data.

7. To demonstrate knowledge and understanding of all aspects of testing and performance requirements and to identify where the necessary process controls and other test methods used both meet and diverge from standardised procedures.

8. To ensure that a commitment to achieving process control is robust, transparent and available for audit.

9. To recognise that testing made without identification of materials within the objectives of this CoGP are without meaning or value.

10. To recognise that achieving compliant production is more important than isolated testing results.

11. To understand and operate fully and properly within the legal requirements demanded of any company that uses and applies chemicals as part of their operations.