**Comments by the Grenfell Fire Forum on Dame Judith Hackitt’s Independent Review of Buildings Regulations and Fire Safety**

The Grenfell Fire Forum comprises independent fire and buildings safety experts, working with Grenfell survivors’ groups and the community, to ensure the full truth behind the tragedy is revealed and put right.

1) The Furniture and Furnishings (Fire) (Safety) Regulations 1988

These Regulations are prescriptive UK law which govern the fire safety of upholstered products such as sofas, cushions, nursery furniture and mattresses in dwellings. They were listed in Dame Judith’s Interim Report under “Key Legislation” yet no mention at all of them appears in the final report, including in the “Map of the Current Regulatory System for High Rise Residential Buildings”.

Terry Edge of the Grenfell Fire Forum wrote to Dame Judith personally, to alert her to the fact that these Regulations have been proved by the government department responsible (Business, Energy and Industrial Strategy – BEIS) to be ineffective. He also wrote formally to the Review, yet no acknowledgement was ever received and the Regulations were not even considered by the Review. This despite the fact that:

* A huge addition to the toxic smoke which killed many if not most of the victims in the Grenfell Tower fire issued from burning flame retardants in upholstered furniture – there are around 30 kgs of toxic flame retardant chemicals in the furniture of a typical UK home: highest levels.
* BEIS is responsible for the Regulations but in 2014 proved the main ignition test fails in up to 90% of cases. BEIS has failed to put this right due to industry pressure. This means that furniture in Grenfell Tower was flammable when it wasn't supposed to be and produced higher levels of toxic smoke than should have been the case.

A Freedom of Information Act request put to BEIS earlier this year asked what communication the department had had with the Inquiry, Hackitt Review or Experts Panel regarding the Regulations and the answer was “None.” Following Dame Judith’s talk at RIBA in June this year, Terry Edge asked her why, given that these Regulations have been proven by government to be non-fire safe and therefore contributed to the Grenfell Fire, her Review has ignored all attempts to have them investigated. Dame Judith replied that while her report does not show it, her Review has established that BEIS is looking at the problems with the Regulations. However, Grenfell Fire Forum had met the BEIS officials concerned a few weeks previously when they had made it clear that while their own published evidence proves the current Regulations are unsafe, they have done little to nothing to put them right, even following the Grenfell Tower fire.

The Forum has received the same stonewalling regarding these Regulations from the Independent Experts’ Panel. Two panel members were sent details of the key role the Regulations played in the Grenfell Tower fire, with Sir Ken Knight, the Chair, further informed in writing by Terry Edge. However, all these communications were ignored by the Panel. Sir Ken Knight played a major role in blocking changes to the Regulations despite informing BEIS that he acknowledged they are not safe (December 2014). The Forum will provide evidence for this, along with possible explanations for Sir Ken’s resistance to the safety changes, upon request. See Annex for further information on the Panel’s unjustified avoidance of these Regulations.

The Forum believes that the Review was seriously remiss in ignoring the evidence presented to it showing that these major fire safety Regulations have been proven to be faulty and contributed greatly to the Grenfell Tower fire, and to do nothing towards putting them right. We request that the Secretary of State for MHCLG makes a public statement to this effect, both in order to officially inform Grenfell survivors of the truth behind a major cause of death in the fire and to warn the British public that just about every home in the country contains unsafe, toxic furniture.

Toxic Smoke:

The Review makes no mention at all of toxic smoke. The Forum finds this omission very disappointing, especially since around 80% of all fire deaths are from smoke inhalation and evidence suggests that much of the smoke in the Grenfell fire was toxic, e.g. contained large volumes of hydrogen cyanide; and that crucially much of this smoke was due to faulty fire safety legislation.

The Forum is also concerned that the Review fails to mention fire-stopping (other than as a vague recommendation that it says should be the residents’ responsibility). The poor fire-stopping measures in Grenfell Tower would have allowed toxic smoke – which can be odourless and colourless – to travel around the building, killing without warning.

In short, the Forum finds the Review to be totally remiss in failing to even mention that many deaths in the fire were caused by the combination of furniture that produced large volumes of toxic smoke and inadequate fire-stopping measures. This fact, of course, places the fire brigade’s “Stay Put” advice under serious question.

Other points:

The Review’s Recommendation 7.6 states:

1. *Government should ensure that there is
a more effective enforcement, complaint investigation and market surveillance regime with national oversight to cover construction product safety.*
2. *Government should consider whether this could be achieved by extending the remit of the Office for Product Safety and Standards.*

And Recommendation 2.13 states:

*The sanctions and enforcement regime should be reinforced so that penalties are an effective deterrent against non- compliance. These stronger enforcement tools should generally look to replicate and align with the approach in the Health and Safety at Work Act.*

However, the Review makes no mention of the fact that the enforcement body for products – Trading Standards – has had its budget progressively slashed to the point where some TS offices effectively can not afford to bring prosecutions, i.e. how exactly are they supposed to reinforce the enforcement regime?

The Review also fails to mention that the penalties governing breaches of the Furniture and Furnishings (Fire) (Safety) Regulations are contained in the Consumer Protection Act 1987 which provides maximum fines of just £5,000 and/or 6 months in prison. BEIS is also responsible for this Act and has consistently refused to update it. Given the significant role that burning furniture played in Grenfell Tower, it is clear that this Act needs to be updated immediately if the enforcement regime is to be effectively “reinforced”.

The Forum also urges the Review to look into BEIS’s role in assessing the safety of the fridge-freezer that allegedly started the Grenfell Tower fire. BEIS’s recent press release, announcing that this fridge-freezer type is safe and does not require a recall, is being challenged by both ourselves and the All Party Parliamentary Fire Safety and Rescue Group. BEIS claims this decision was informed by a group of relevant experts but is refusing to respond to the APPG’s request for confirming details. The Forum has learned that in fact BEIS commissioned a test house to run tests on the fridge-freezer type and it seems possible that this is what they are claiming is their ‘expert’ investigation. Given that 72 people died in a fire that may have been started in this kind of product, we believe the Review needs to investigate BEIS’s role in overseeing the fire safety of products and the possibility that it has been misleading the public and the Inquiry in order to divert attention away from the role that unsafe furniture products played in the fire as a result of BEIS’s failure to keep the public safe.

This is particularly relevant because the Review recommends extending the powers of BEIS's Office for Product Safety and Standards to include building products. As well as the points raised above which cast doubt on BEIS/OPSS’s competence, the OPSS has also been criticised by the BEIS Select Committee for doing little to improve product safety, specifically on Whirlpool washing machines that keep catching fire. To quote the BBC:

‘The government department for Business Energy and Industry Strategy established the new Office for Product and Safety and Standards (OPSS) earlier this year, to deal with issues around product safety. Rachel Reeves MP, chair of the BEIS select committee tasked with scrutinising the department, told Watchdog that if OPSS does not take action on the issue of Whirlpool tumble dryers, “then frankly there’s not much point in having this office set up in the first place”, and called on the Office to publish a plan of action as a matter of urgency. Rachel Reeves said: "Nobody should have to live with a tumble dryer in their home that risks catching fire and yet there are many homes up and down the country that have these tumble dryers there today.”’

We can find no record of BEIS having taken any such positive action since May this year. Again, we believe the Review needs to investigate BEIS’s competence before recommending that its OPSS receives more responsibility for governing the fire safety of buildings products, especially in light of its failure to put right the problems with the Furniture Regulations, the fridge-freezer type that started the Grenfell Fire and the fire threat posed to the rest of the country via unsafe Whirlpool washing machines.

The Forum is very willing to discuss these issues with MHCLG in more detail and to provide further evidence for our views presented here.

**ANNEX**

Grenfell Fire Forum’s internal note on how the Experts Panel is refusing to look at the FFRs

**From:**Terry Edge
**Date:**Tuesday, 23 January 2018 at 17:37
**To:**Grenfell Fire Forum

**Subject:**Runaround from the Experts Panel

Dear All,

I actually managed finally to get Jerome Ma (DCLG official for the Grenfell Experts Panel) on the phone today. Below are my notes of the call but overall he was contradictory and illogical.

I asked him why the faulty Furniture Regs were not going to be looked at by the Panel, considering they played a major part in fire spread and toxic smoke production inside Grenfell Tower, in terms of volume more so than the cladding. He said that the Panel was asked by DCLG only to look at DCLG’s fire and building legislation. I said that is not in their remit, i.e. no mention of DCLG-only. He did not have an answer to this.

[To quote from the Panel’s remit: “This expert panel will look at any immediate action that is required so the public can be confident everything possible is being done to make all public and private buildings safe as quickly as possible.”]

Then he said the panel’s remit was to only look at “immediate” measures that needed to be taken, and that’s why they looked at cladding. I pointed out that ignitable furniture in the tower was also an immediate measure, especially with the entire country at risk of same. But he just said the Panel had decided to look at cladding.

Next, extraordinarily, he said the Panel was not looking at regulations or legislation “full stop”; that they were looking at cladding as an immediate and separate (to legislation) risk. After pointing out that again, this is not in their remit, I said, why aren’t they also looking at furniture separately to legislation, as an immediate risk? He said – and this was one of the many circular arguments he kept repeating – that was because the Furniture Regs are BEIS’s responsibility. I reminded him a) that the remit for the Panel did not exclude non-DCLG legislation and b) in any case, he’d said they’re not looking at *any* legislation. I also asked him what he thought a Grenfell Tower survivor might say if he told them that the Panel is not going to look at any important fire safety measures that aren’t DCLG’s responsibility, but he didn’t answer.

I then asked him to confirm that BEIS has been keeping DCLG/the panel informed of ‘progress’ on the Furniture Regs (see his email below). He said yes and I asked him to elaborate, but he said that would not be ‘appropriate’. I asked why not, especially considering I’m the country’s expert on the Furniture Regs. To which he said, that was BEIS’s responsibility – etc, round in circles.

I then said that BEIS has put in writing that it has had NO contact with DCLG/the panel regarding the Furniture Regs. This threw him off balance for a bit but he confirmed that they have in fact been talking to DCLG/the panel about the regs. I said, so BEIS is not telling the truth? He said, you’ll have to take that up with BEIS.

Finally, I said that I was forced to speculate that the reason the Panel does not want to look at the Furniture Regs is because Sir Ken was instrumental in blocking changes to them. He said, “I can assure you, there is no conspiracy”. I said you can’t assure me of that because you don’t know the facts. To which he said, “Well, that’s my view.” I said, sorry, but views are just views; everything I’ve said to you is based in evidence.

Finally, he said, “I don’t know what else to say”, to which I said, “Well, you could say that your conscience is going to direct you to seek out the evidence – freely available on BEIS’s own website – then come back to me.” To which he said he would put my points to the Panel once again.

The Grenfell Fire Forum

31 July 2018

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