



Department  
for Business  
Innovation & Skills

**FURNITURE AND FURNISHINGS  
(FIRE) (SAFETY) REGULATIONS  
1988**

**Consultation on proposed  
amendments to Schedule 5 - the  
Match Test - Part 1 and Schedule 4  
- the Cigarette Test**

**AUGUST 2014**

**Annex 8: Proposed amendments to schedule 5 - the match test -  
part 1 and schedule 4 - the cigarette test - of the furniture and  
furnishings (fire) (safety) regulations 1988 - response form**

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 7<sup>th</sup> October 2014.

Please provide answers to any of the questions below, and provide any additional response you believe is appropriate, headed:

Your name:

Organisation: Trade Business Ltd T/as Wyvern Furniture

Address: Unit13 – 15 Hartlebury Trading Estate, Hartlebury, nr Kidderminster, Worcestershire,  
DY10 4JB

Please return completed forms to:

Terry Edge

4<sup>th</sup> Floor, Orchard 1

BIS

1 Victoria Street

London SW1 0ET

Telephone: 020 7215 5576

email: [terry.edge@bis.gsi.gov.uk](mailto:terry.edge@bis.gsi.gov.uk)

Please tick boxes below which best describe you or your organisation.

	Organisation type
	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)
	Legal representative
	Local Government
√	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe):

Please note: in addition to the consultation questions below, we would be very grateful if you could also answer the questions from the Impact Assessment which follow them.

Consultation questions:

**Question 1: Do you think this proposal will achieve its aims of: helping to make UK furniture greener, save money to industry and making UK furniture more fire safe?**

**Comments:**

The introduction of the regulation changes are at present presenting contradicting challenging obstacles. To make UK furniture more fire safe is the most important facet and Wyvern Furniture supports this and will endeavour to comply, as it always has done, to manufacture regulation conforming product. However, in the search for components that are fire retardant by nature to comply with the new additional test for items within 40mm of the cover, it is proving that these demands are having the effect of using components that have additional FR chemicals as a prerequisite. This will negate any reductions in FR chemicals that can potentially be achieved though the new test and will actually increase the cost of product and will certainly not achieve any cost savings.

The figures that have been published promoting savings of £11.5M to £47.5M are completely unrealistic. Our suppliers have revealed that reducing the FR chemical to a maximum of 50% will give a saving of £0.10 per meter. Basing this on 20m of usage per suite the absolute maximum saving would be £2.00. The majority of our fabrics are not the 100% Deluster that is shown as

the best fabric to reduce FR chemicals on so it is appropriate to use a figure of £1 per suite as a potential saving. This equates based on 1000 suites per week and a 48 working week year to £48000 per annum. The statement that FR chemicals could be reduced by 50% is also proving impracticable as the samples were run on a process that may become unstable when too much chemical is removed from the coating process. This may produce theoretical passes but the realism could generate fabric that would not pass in general circulation as the process would not be consistent.

The theoretical savings would possibly add up for the industry as a whole apart from the fact that we have to resource different components or apply different protective barriers in specific areas to conform to the new regulations as they are currently being divulged. Our revised costings are currently showing extra / different materials which will cost the business a further £3 of materials and £2 of additional labour giving a total extra cost of £5 per suite. Our business makes 1000 suites per week and based on a 48 working week year gives a loss of £240000 per annum. There is no financial benefit to the business at all.

We are in no doubt that the potential savings from the FR process will not get passed on to the manufacturer who purchases the product (i.e. ourselves) and indeed the additional cost of testing non-regulated items will be passed on by our suppliers to ourselves. This will also force our own due diligence costs higher as we will ourselves have to test for our own satisfaction.

The costs for this test are still unknown as one of the main testing houses do not appear to be aware of the test. This will only add to the potential business loss.

**Questions 2: Do you think that paragraphs 19-22 accurately set out the need for a change to the current match test?**

A ☐ Yes ☒ No ☐ Not sure

Comments:

Although it is understandable that the FR regulations need be changed, the comments of barrier to trade are incomprehensible as Europe already supplies the UK market – admittedly with varying degrees of conformance to regulation as discovered by trading standards. The agreed requirement needs to be fully established and defined regarding which FR chemicals can be used and to what extent so that solutions can be achieved. Stating that California has gone too far but not specifically stating what can be allowed does not help the process. It simply makes the standard more ambiguous. The process appears to have got embroiled in a political debate that is identifying a need for change but without a specific conclusion.

**Question 3: Do you think the proposed changes are viable (paragraphs 23-29)?**

A ☐ Yes ☒ No ☐ Not sure

Comments:

It has taken 3 meetings with numerous telephone calls for clarification to establish which products can be used, which products are exempt and what the exact definitions of certain phrases within the standard are. This process is still ongoing. The process has been poorly managed and publicised. The changes to the actual testing process is understandable and not challenged in any way. The resultant confusion of understanding for the elements for testing has

created distress in the supply chain as each component has been sort clarification as to whether the products will comply to the new standard, as it understood today.

The Testing Houses themselves have raised concerns about the ability to confirm the fabric splitting of 2mm by measurement. This, may result in an introduction of variability of results. Something that introduction of new regulation is presumably aimed to reduce? There is also concern, from the Testing Houses, that the foam and fibre to be used will also vary to give differing results for the same tested materials.

**Question 4: What are your views on the inclusion of currently unregulated materials (paragraphs 27-29)?**

Comments:

It is understandable to remove products or include barriers for certain products that are flammable by nature. As stated the process for inclusion has been open to interpretation and this could make the situation very difficult for regulation.

**Question 5: Do you agree with the benefits BIS believes the changes will bring?**

A ☐ Yes ☒ No ☐ Not sure

Comments:

The financial benefits are completely flawed and unsubstantiated as revealed at the BIS conference. For rightly or for wrongly the new regulations will cost the manufacturers in the industry significantly. It was stated at the BIS conference that the standard was not supposed to cost the industry anything. This is totally incorrect as outlined in our response in Question 1

**Question 6: What is your view on BIS's reasons for bringing forward the changes (paragraphs 41-42)?**

Comments:

We believe that 2 rounds of Consultation is appropriate as the details have not specifically been established as admitted at the BIS Conference in August. We were not part of the original stakeholder discussion and by studying the stakeholders listed we do believe that our market sector has been consulted effectively.

With regard to statements to Consumers regarding FR levels we believe that this should be handled sensitively as there is the distinct possibility of a severe backlash relating to the 'claims society' that we are now living in. There will be general questions raised about the safety of current furniture and FR Chemicals and this would be raised not only by the General Public but also by employees within the manufacturing and retail sector. Questions will raised by asking 'If the regulations are changing, what is wrong with my current sofa?' Liability insurers could have a field day! Where would liability in such a case lie – Distributors, Manufacturers, Fabric Suppliers, FR Chemical suppliers? The regulations produced what was safe furniture in 1988 onwards. Is it a BIS issue?

### Question 7: General rating of the proposals.

On a scale of 1 to 5, 5 being the highest, grade your overall approval of the proposals

	5	4	3	2	1
Right problems identified			3		
Range of options wide enough					1
Preferred options well chosen					1

### Question 8: Do you have any other comments that might aid the consultation process as a whole?

Comments:

As we have progressed throughout the last 3 months we have discovered that there is a huge lack of understanding of the imminent changes to the Regulations. Suppliers, Manufacturers, Retailers and possibly more worrying, Testing Houses themselves have been unaware of the changes. The changes themselves have had to be clarified and we are still not there yet with a definitive solution. We do not oppose the changes but needed to know the absolute issues from the start. There was a mention of an exclusion list and this has not been forthcoming.

The specific testing process have changed or had more detail revealed during the consultation period. This gives elements of the industry little time to come to a fully considered response. The comment was made that the process appears to be being made up as we go along. There are far reaching impacts have not yet been felt or considered by many as they are not aware of the overall regulation changes let alone the smaller details.

It is also muted that the cigarette test will be changed in the future. The question has to be asked as to why the changes have to be split as presumably this potential change will have further effects to the industry.

It is our understanding that the regulations will not be finalised until the consultation period is complete so we do not know of the full effect upon the business until we see the full regulation. Our business costs could be significantly changed once the final regulation is revealed.

Below are the additional questions from the Impact Assessment. Please respond to them on this part of the form.

**Q1:** Is the assumption on the cost of testing above right in your view? Could you provide evidence supporting your arguments?

The testing houses will not lose revenue as the Test for non-regulatory items with 40mm will prove to be extremely lucrative. The familiarisation costs are grossly understated. Visits to seminars, research with suppliers and Trading Standards has resulted in 2 man weeks i.e. 80 hours at least and the work continues to establish supply lines and regulatory conformance.



**Q2:** Do you have any evidence that could help to refine this cost estimates?

The familiarisation costs are grossly understated. Visits to seminars, research with suppliers, telephone calls to Intertek for clarification and response form preparation has resulted in 2 man weeks i.e. 80 hours at least and the work continues to establish supply lines and regulatory conformance. This company alone has spent over £2000 on this piece of legislation. This cost is still rising.

**Q3:** Are there any other costs not included here that should be included? Please provide evidence supporting your arguments.

There are additional costs for suppliers who have to test their products for compliance and resource if necessary. These are unquantifiable in the short term as the test costs are unknown.

**Q4:** Do you agree with the assumption that there will be minimal losses of stock given the transition period? What is your normal turnover of stock?

Our stock turnaround is variable dependent on product type. Typical stock turn is around 18 months on standard components that are purchased in bulk for cost benefit.

**Q5:** Do you agree with the assumption on annual cost savings to UK based companies testing of fabrics for the cigarette test? Could you provide information on the cost of the cigarette testing for your company?

We do not agree. We currently spend £1000 per annum on cigarette testing. (20 tests) This is our due diligence process that generates this. This will be replaced by the due diligence on non-regulatory times within 40mm. There is no saving.

**Q6:** Do you agree with the range of cost savings above? What are the cost savings most likely to be for your company?

We disagree with the cost savings as unrealistic. As indicated in our response to Question 1 of the Consultation document: Our suppliers have revealed that reducing the FR chemical to a maximum of 50% will give a saving of £0.10 per meter. Basing this on 20m of usage per suite the absolute maximum saving would be £2.00. The majority of our fabrics are not the 100% Polyester that is shown as the best fabric to reduce FR chemicals on so it is appropriate to use a figure of £1 per suite as a potential saving. This equates based on 1000 suites per week and a 48 working week year to £48000 per annum but this is completely reversed by the additional cost associated with compliance to the other aspects of the standard. We do not believe that any of these savings will get passed on our business from the FR treatment supplier.

**Q7:** Are there any other methodologies you think would be more appropriate?

We have no comments on other methodologies

**Q8:** Do you agree with the cost estimates above? Could you provide alternative estimates?  
Could you provide estimates of cost savings for upholstered garden furniture and/or caravan upholstered furniture?

Having already stated that the cost savings to our business are completely negative, we do not have access to any information to challenge or ratify any of the industry sales figures. We do not supply into either the upholstered garden furniture or caravan upholstered furniture market so therefore cannot provide any information.

**Q9:** Do you agree with the assumptions above towards calculating the total annual amount of treated fabric? Please provide evidence supporting your arguments.

The fabric usage in our experience is overstated regarding the usage per sofa is between 8 to 10 metres per unit. This would have a further impact on the calculations further with regard to the overall industry saving

**Q10:** Are there any other unquantified costs or benefits? If possible, please provide evidence supporting your arguments.

The unquantified costs significantly outweigh the potential benefits as outlined in Question 1 of our response where that we will have to resource different components or apply different protective barriers in specific areas to conform to the new regulations as they are currently being divulged. Our revised costings are currently showing extra / different materials which will cost the business a further £3 of materials and £2 of additional labour giving a total extra cost of £5 per suite. Our business makes 1000 suites per week and based on a 48 working week year gives a loss of £240000 per annum. There is no financial benefit to the business at all.

We are in no doubt that the potential savings from the FR process will not get passed on to the manufacturer who purchases the product (i.e. ourselves) and indeed the additional cost of testing non-regulated items will be passed on by our suppliers to ourselves. This will also force our own due diligence costs higher as we will ourselves have to test for our own satisfaction.

The costs for this test are still unknown as one of the main testing houses do not appear to be aware of the test. This will only add to the potential business loss.

**Q11:** Is this a fair reflection of how smaller businesses will be affected? Please provide evidence supporting your arguments.

As a SME we pay the industry standard and do not believe that the reductions in FR will get passed on. We will therefore not be in any position to pass this on to the end consumer. Quite the reverse will probably happen as our costs increase.

**Q12:** Are the familiarisation cost savings, in time, between options 2 and 4 an accurate reflection of the difference? Please provide evidence supporting your arguments.

On our document there isn't an option 4, only options 2 and 3 which show exactly the same tables for savings?

**Q13: Q13:** Do the cost saving time profiles accurately reflect the timings of cost savings your business expect to see?

Same response as in Q12

Thank you for your views on this consultation. Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☒

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

☒ Yes

☐ No

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