



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:

*Redacted*

Organisation: John Lewis Plc

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London  
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Please return completed forms to:

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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
x	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:

We do not feel that this proposal will achieve its aims.

**Making furniture greener**

In order to ensure furniture and upholstered product complies with the changes some manufacturers will overload the cover and barriers cloths with FR treatments in order to guarantee that the fabric will not split and to ensure they do not have to test unregulated materials within 40mm which we feel will result in more FR being used in consumer products.

Changes to the current regulations will make recycling furniture more difficult. There is no mention of any exemptions being made for second hand product that could be recycled or reused in this document. This could result in more products going to landfill/incinerators.

### Save money to industry

John Lewis offer a service where by a customer can choose any fabric and have this used on any sofa frame in our assortment, this results in approx 28,000 combinations, the changes mean that potentially all of these variations would need to be tested, which would significantly increase the testing costs and ultimately the selling price of the furniture we offer.

Having to test every component within 40mm of the cover fabric across all products covered by these regulations would also significantly increase the cost of testing.

We sell a large volume of fabric to re-upholsterers, who would now potentially have to include an FR interliner. This will have cost implications and may results in these services being reduced, which would impact on our sales.

The figures stated in regard to the 50% reduction of FR treatments is unsubstantiated and is not accurate as proven by the preliminary FIRA testing data.

Likewise there are no savings to be made on leather or faux leather sofas.

### Making UK furniture more fire safe

A larger number of materials and components would also need to be treated with FR, which will increase the amount of chemicals in a piece of furniture, so although more pieces would be flame retardant there would be more chemicals within the product. This is undesirable, especially in products intended for babies and children, e.g. Moses baskets for newborns would potentially need to be FR treated as inherently FR materials for baskets are limited.

### 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:

We agree that flame retardants can be potentially harmful to health and the environment; however the REACH regulations are in place to identify and limit harmful chemicals in consumer and commercial products.

The Furniture and Furnishings (Fire) (Safety) Regulations have always been focussed on the burning characteristics of furniture and we feel that by placing the emphasis on harmful chemicals this may confuse the purpose of the revision and is in conflict with the potential additional chemicals needed to meet the new test requirements.

Harmful chemicals in products are not exclusive to furniture and upholstery and the REACH regulations seek to address this issue.

Furniture that was manufactured before the amendments will need to be disposed of through specialist routes which will limit the amount of furniture we can reuse or recycle.

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

A ☐ Yes ☐ No ☐ Not sure

Comments:

We agree with the reason for changing the match test and the use of the two types of filling. We recognise that these will give more accurate results and be more indicative of the complete

With regard to the exemption of the cigarette test for fabrics that pass the match test, there is no mention of any labelling updates to reflect this; it will be difficult to identify what product has been tested to the new test methods without this being updated. This is an area that requires clarification.

The test methods do not detail the specification of foam and fibre so that test labs around the world can perform the testing consistently in order to give reliable results. The accuracy of the 2mm<sup>2</sup> measurement is a concern and we feel this will result in significant variations and inconsistencies in the results obtained. We would like clarification on how the test methods will be rolled out and consistently applied worldwide, the proposed test method is still vague and we would like more detailed information.

Also until the test method is published there will need to be a lead in period for testing laboratories to achieve accreditation to perform this testing.

A list of exemptions/pre certified materials is mentioned but this hasn't been provided, we are concerned that there won't be any party that is responsible for policing this list and keeping it up to date. There is no reference to the impact that glues, adhesives or resins will have on components/materials on the exemption list.

Paragraph 25 point 4 is unclear, our understanding is that cover fabric that meet the composition requirements of being >75% by weight of cotton, flax, viscose modal, silk or wool would need a schedule 3 interliner, however this paragraph states that cover fabrics that do not meet the composition requirements require an interliner.

Paragraph 26 is currently confusing. This is an area that requires clarification.

Product sold on the internet will be difficult to police and it is not clear how this will be managed.

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

Comments:

We feel that not enough research has been done on the implications of including currently unregulated materials in the revision.

The inclusion of currently unregulated materials within 40mm would increase testing costs. In a piece of upholstery there could be in the region of 26 additional components that could require testing.

John Lewis offer a service where by a customer can choose any fabric and have this used on any sofa frame in our assortment, this results in approx 28,000 combinations, the changes mean that potentially all of these variations would need to be tested, which would significantly increase the testing costs and ultimately the selling price of the furniture we offer.

Industry is concerned that alternatives do not currently exist for a number of traditional components used in upholstery. There are simplistic views on the components used within furniture and upholstered products and not enough due consideration has been given to the function of these components, items such as polystyrene beads have not been considered. Time, investment and research are required to develop FR alternatives that will not compromise quality or performance. Sourcing FR alternatives will lead to cost price and selling price increases.

There are currently no FR alternatives for specialist products, e.g. high impact foams in children's car seats. This will require longer term research and investment in order to develop alternatives that will comply with the safety and performance requirements.

The method for testing currently unregulated materials is still undefined; the power point presentation sent through after the meeting on the 19<sup>th</sup> is not detailed enough.

There is no mention of components that are less than 45mm, which will be difficult to test in line with the proposed test method and would require deviation from this. We would like clarification on how these should be tested.

The test method for materials beneath a cover that isn't protective and within 40mm is still unclear and has not been included in the consultation document.

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

A ☐ Yes ☐ No ☐ Not sure

**Comments:**

We agree with the intentions to make product safer for consumers and review the match test to make this more indicative of the final product, however we do not think that the breadth of products covered under the regulations have all been adequately considered.

We do not feel that there has been sufficient consultation on the process. Opinions from industry should have been sought earlier and the amount of time between consultation and implementation means that there will be limited visibility of the proposed changes ahead of the changes being published.

The consultation period and proposal for the lead in are too short and we feel that this has been rushed. The consultation was launched during the summer when most factories were on shut down or on holiday.

The quoted savings of £50m are based on a number of assumptions, e.g. that consumers replace their upholstered furniture every 5 years and do not take into consideration; the number of leather sofas currently in UK homes, imported finished goods, fabrics used over an interlining, how much fabric was finished abroad.

Recycling or reusing is not mentioned, nor the implications for furniture tested to the current regulations.

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

**Comments:**

We feel that the entire regulations should have been reviewed rather than just one part. The changes could be in conflict with the original regulations that will still be in force, e.g. using a schedule 3 interliner as a barrier cloth is the cover fabric does not pass.

**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					x
Range of options wide enough					x
Preferred options well chosen					x



A narrow band of products have been considered and due consideration has not been given to industry opinion.

Generally when a British Standard is reviewed over a period of time, there is a committee who feed into this; we do not feel that the proposals have included the views from other sectors within this industry.

The language is confusing and some of the definitions are unclear, all relevant information should have been included in the consultation document rather than being sent through afterwards.

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

Comments:

We feel that a lead in period of 12-18 months from April 2015 is too short; we will be placing orders for product for AW'15 in the next few weeks which will be delivered in September. Likewise orders for SS'16 will be placed in the spring. We hold a lot of stock in our distribution centres and so it would be unrealistic to expect that that stock to have all cleared by Oct 2016. We would need to understand the implications for that stock if it was still the business.

Until the changes are published we would not look to make any amendments to product in case there were subsequent changes to test methods or requirements. This is hard to communicate to overseas factories who may buy raw materials and components in large quantities once or twice a year.

The increase of testing costs will have a significant impact on the cost and retail price of upholstered product and furniture, this could have a detrimental impact on our business and profits.

Supplementary information supplied after the meeting on the 19<sup>th</sup> August implies that if the cover and/or the barrier fabric pass the revised match test then currently unregulated components do not need to be tested. This needs to be confirmed or clarified as we are unsure if this is subject to change.

Until the test method is officially published test houses & labs will not be able to gain accreditation to perform this test. This will limit where we can test product and the reliability of the testing that we commission. The test methods do not detail the specification of foam and fibre so that test labs around the world can perform the testing consistently in order to give reliable results.

We would like further guidance of when and where the 40mm rule applies on a piece of furniture, diagrams detailing where to take samples from could allow clearer interpretation of these paragraphs such as; seat cushion – down, platform cloth – down, back of product – across.

A list of exemptions/pre certified materials is mentioned but this hasn't been provided, we are concerned that there won't be any party that is responsible for policing this list and keeping it up to date. This will need to be recognised globally. There is no reference to the impact that glues, adhesives or treatments will have on components/materials on the exemption list.

Product sold on the internet will be difficult to police and it is not clear how this will be managed.

We are concerned about loading FR treatment on products, especially those intended for use by babies and children. The industry has looked to reduce the amount of harmful chemicals used, especially on sleeping surfaces. e.g. pushchairs, prams, Moses baskets and car seats due to the

risk of sudden infant death and we would like clarification over how this will be regulated going forward.

We are also concerned that any implications that furniture currently in consumers' homes is unsafe could have a significant impact on retailers and the industry and so should be carefully considered.

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

We do not feel this is accurate, especially for upholstery.

Each additional component that goes under the top cover, which is within 40mm of the frame, will need to be tested. On our Lucca model there are 7 different components, so this would add an additional £91 testing costs. We have some models that have up to 20 different components, and with each test costing a minimum of £13 per component, the cost increase will be substantial.

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

As above

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

We currently work in partnership with the Furniture Reuse Network, (FRN), a charity which co-ordinates 400 re-use organisations; we aim to collect some of the 10 million items of furniture thrown away in the UK every year from our customers when they buy a new piece of furniture.

65% of the upholstery we collect is reused, 20% is repaired and reused and the remaining 15% is responsibly recycled. If furniture that complies with the current regulations is not exempted from the changes then ultimately this would all end up in land fill/incinerators.

**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?

JL or our suppliers hold between 26 and 52 weeks cover of most products covered under these regulations, at sales value this is in the region of £50million of stock at selling value

**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?

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

We believe that manufacturers will load fabrics and barrier cloths with FR in order not to have to test the currently unregulated materials beneath them.

Currently unregulated materials will also need to be FR treated in some instances in order to pass the testing, hence we feel this will increase the cost of FR treatments not reduce them.

We do not believe there will be any cost savings for our company.

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

**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?

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

The quoted savings of £50m are based on the assumption that consumers replace their upholstered furniture every 5 years and do not take into consideration; the number of leather sofas currently in UK homes, imported finished goods, fabrics used over an interlining, how much fabric was finished abroad.

We also feel the estimated number of treated metres is too high.

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

We currently work in partnership with the Furniture Reuse Network, (FRN), a charity which co-ordinates 400 re-use organisations; we aim to collect some of the 10 million items of furniture thrown away in the UK every year from our customers when they buy a new piece of furniture.

65% of the upholstery we collect is reused, 20% is repaired and reused and the remaining 15% is responsibly recycled. If furniture that complies with the current regulations is not exempted from the changes then ultimately this would all end up in land fill/incinerators.

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

N/A

**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.

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



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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BIS/14/980RF