2016-019 Buoyant Upholstery Ltd.

Department for
Business, Energy
& Industrial Strategy

Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations (FFRs) response form

The consultation is available at: www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016

The closing date for responses is **11 November 2016**.

The form can be submitted by email to: furniture.consultation2016@bis.gsi.gov.uk or submitted by letter to:

Christine Knox
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street
London
SW1H 0ET

Please be aware that we intend to publish all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the section on confidentiality and data protection on page 7 of the consultation for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: **Please ensure our attached costing sheet remains private and confidential and is not published without permission.**

Questions

Name: [redacted]
Organisation: Buoyant Upholstery Limited
Address: Oak Bank Mill, Hallam Road, Nelson, Lancashire, BB9 8AJ

	Respondent type
☐	Business representative organisation/trade body
☐	Central government
☐	Charity or social enterprise
☐	Individual
☐	Test House
☒	Manufacturer
☐	Retailer
☒	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)

Questions on scope

Q1 Do you agree with the revised definition of the Regulation's scope?

☒ Yes ☐ No ☐ Not sure

Comments: The definition seems to be clearer.

Q2 Do you agree with the proposals relating to sleeping bags and mattress protectors (i.e. those which can be put in a washing machine are explicitly removed from scope and do not have to meet the requirements of the regulations)?

☐ Yes ☐ No ☒ Not sure

Comments: Draft regulations do not define what a mattress topper is, we feel that there needs to be clearer definitions on mattress toppers and mattress protectors.

Q3 Do you agree with the proposals relating to cushions and seat pads (i.e. that they remain excluded from cover tests but the definition of these products to be specified more clearly)?

☒ Yes ☐ No ☐ Not sure

Comments: We agree that a clearer definition of scatter cushions and seat pads are a good idea.

Q4 Do you agree with the proposals relating to outdoor furniture (i.e. that outdoor furniture unsuitable for use inside the home, and clearly labelled as not complying with the Regulations) should be out of scope?

☐ Yes ☐ No ☒ Not sure

Comments: We think that the definition of outdoor furniture needs to be improved.

Q5 Do you agree with the proposals relating to baby products (i.e. that items covered by covered by BS EN1888 (wheeled child conveyances) and BS EN1466 (carry cots and stands) are removed from scope, with padded playpens treated in the same way as mattresses)?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Q6 Do you agree with the proposed treatment of second-hand products (i.e. that they would be required to bear the relevant permanent label)?

☒ Yes ☐ No ☐ Not sure

Comments: Yes we feel that it's necessary for second hand furniture to bear the relevant permanent label.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: Yes, this will simplify the proposal.

Q8 Do you agree that the specifications set out in the draft Regulations for the test foam and fibre wrap are sufficient to achieve the objectives of the Regulations?

☐ Yes ☒ No ☐ Not sure

Comments: It's definitely an improvement to include a FR foam cushion however we feel that the density of the foam and the way that the dacron is attached to the foam should be fully specified. Layering of materials can also cause problems during testing i.e if the dacron is not attached to the foam, air can gather between materials which can cause inconsistency and problems during testing.

Q9a Do you agree that the regulations should provide a protective cover option?

☐ Yes ☒ No ☐ Not sure

Comments: We feel that the current tests are more fire safe because they rely on fabrics and fillings acting as FR barriers.

Q9b If yes, do you agree with our proposed definition of protectiveness?

☐ Yes ☒ No ☐ Not sure

Comments: Click here to enter text.

Q10 Do you agree with the proposed requirements for components close to the cover?

☐ Yes ☒ No ☐ Not sure

Comments: We use a huge amount of body fabrics in our business which are 100% polyester so if the new proposed regulations were to be introduced then we would probably need to FR all materials within 40mm of the visible cover. This will have a huge financial impact on our business (please see attached work sheet with estimated increased annual costs), it is also our opinion that the proposed regulations will see a huge increase in FR chemicals used within the upholstery sector due to the variety of fabrics used.

Q11 Do you agree that there is no need for the cigarette test for covers that pass the revised match test?

☒ Yes ☐ No ☐ Not sure

Comments: Yes we agree that the Cigarette test is unnecessary.

For business respondents:

Q12 Which of the routes to compliance do you expect to follow for most of your products?

☐ Schedule 3 interliner ☐ Protective cover

☒ Non-protective cover + compliant components ☐ Not sure

Comments: We will probably need to go down the non-protective cover + compliant components route, this will result in a huge amount of extra cost on internal components such as polypropylene webbing, elastic webbing, piping cord, spring clips, silent wire etc (see attached work sheet for break down of estimated costs) as well as incurring extra due diligence costs.

Q13a What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

☐ Increase ☐ Decrease ☒ No change ☐ Not sure

Comments: Click here to enter text.

Q13b What do you expect the impact of the testing proposals to be on your overall use of flame retardants?

☒ Increase ☐ Decrease ☐ No change ☐ Not sure

Comments: We feel that the proposal would result in a significant increase in FR chemicals being used because all internal components would potentially need to be treated.

Questions on traceability and enforcement

Q14 Do you agree with the product record/technical file requirements for manufacturers and importers?

☐ Yes ☒ No ☐ Not sure

Comments: We understand that as a business we must ensure that our product complies with current legislation. This includes ensuring that the product is correctly labelled and carrying out as much FR due diligence testing (both UKAS and indicative) as possible on all materials that goes into any product that we produce. We hold all FR test certificates on file and can trace any materials used back to delivery notes and the relevant certificates etc – we believe that this is good practice. As a volume manufacturer producing up to 2500 suites (7000 + pieces) a week we feel that it would not be practical to create a technical file for every piece of furniture we produce and that current requirements are more than sufficient to provide traceability.

Q15a Do you agree with the requirements for the single permanent label, and the proposal to remove the requirement for additional display labels?

☒ Yes ☐ No ☐ Not sure

Comments: Yes a single permanent label should be sufficient.

Q15b What do you think is the most effective means of conveying the use of flame
retardants in the cover of this product eg by text, symbol?

Comments: Probably a combination of both.

Other questions on the proposals

Q16 Do you agree that a 24 month transition period is sufficient, and that the changes should be reviewed in five years?

☐ Yes ☒ No ☐ Not sure

Comments: Click here to enter text.

Q17 Do you have any other comments on the proposals or draft regulations?

☒ Yes ☐ No ☐ Not sure

Comments: Our main concerns are the following: **a**. internal components will cost significantly more when FR treated. **b**. We feel that the proposal will actually result in more FR chemicals which in the long term may affect consumer health **c**. Some internal components may not pass a match test, this could result in product re-development which would be a mammoth task and could result in less new models being developed and have a devastating effect on our potential future business **d**. we feel that the new legislation would require extra staff in our compliance department to carry out further due diligence tests due to more items being FR treated**e**. we literally have thousands of shop floor display models on customers shop floors, these would need to be replaced. Some off our larger customers have discounted displays which we would need to replace again at the discounted rate – we have included this estimated cost into the attached work sheet.

Questions on the Impact Assessment

Q18 Do you agree with our estimate of traceability time in the Impact Assessment – ie one-off input of 16 hours per firm and ongoing per year time of 48 hours per firm? If not can you provide additional evidence to support your answer?

☐ Yes ☐ No ☒ Not sure

Comments: Click here to enter text.

Q19 How much do you estimate you would save per year from the removal of the cigarette test?

Amount saved: We have had discussions with a few UKAS testing houses, they think there will be no or very little savings because of the extra time they will need to carry out the new proposed match test.

☐ Nothing ☒ Not sure

Q20 How much do you estimate you would save per year from reduced use of flame retardants?

Amount saved: We will incur significant cost increase in cost, please see attached.

☒ Nothing ☐ Not sure

Q21 Are you aware of any further costs or benefits we have not identified in the impact assessment? Please support with any evidence you have.

☐ Yes ☐ No ☐ Not sure

Comments: Please see attached work sheet showing estimated cost icreases that we would incur.

Q22 To what extent do you agree that, overall, these proposals represent a reasonable compromise – bearing in mind the information in this consultation document, feedback on the previous (2014) consultation, and other stakeholder input during the review?

☐ Strongly Agree ☐ Agree ☐ Not sure ☐ Disagree ☒ Strongly Disagree

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 BEIS 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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