'6-002 Alstons 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: Click here to enter text.

Questions

Name: [redacted]
Organisation (if applicable): Alstons Upholstery Ltd
Address: Gosbecks Road, Colchester, Essex, CO2 9JU

	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: Scope appears quite clear and straightforward

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: I do agree that anything that can be put in a washing machine should be excluded but I feel there needs to be better definition between a mattress topper and a mattress protector. I'm sure there are mattress toppers out there can be washed whether by hand or in an industrial washing machine. There needs to be more enthuses on the specification and weight capacity of the washing machine.

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: Yes, I agree the definition needs to be made clearer. I feel there should be one size for both items (less than 60cm x 60cm x thickness, less than 60cm).

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: The definition of outdoor furniture does need to be improved. There will be products that are marked for "Outdoor use only" but could be suitable for indoor use. What someone may feel is not suitable for indoor use, somebody else may not agree. There needs to be better clarification.

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: But I do feel that where a product has been re-upholstered, the original permanent label wouldn't be of any benefit as it would relate to what is now in the product and would make the product non-compliant.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: It makes things simple and there is no confusion as to what covers need to be tested over.

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: The foam could be simplified however it references a schedule 1 part 1 foam but schedule 1 is now Revocations in the proposal. The fibre wrap needs to be fully specified with regards to the density or a fibre diameter measurement should be supplied. The specification in the draft regulations reference a schedule 2 part 1 compliant foam but schedule 2 is now the cigarette test. The change in the order of the schedules will be confusing and should maybe left alone.

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

☒ Yes ☐ No ☐ Not sure

Comments: This would be the simplest and cheapest route to compliance

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

☐ Yes ☒ No ☐ Not sure

Comments: The proposal of a 2mm diameter hole will be very difficult to measure and there isn't a tolerance. A large majority of fabrics which are currently classed as protective and current pass the protective test will split more than 2mm and will therefore become non protective. Also, when the flame is applied to the fabric the split tends to be a line not a hole. There will be huge cost increase in testing and material cost as the proposal now states that protective fabrics need to be tested 5 times (10 applications) and pass 4 of the 5 times. I feel that this will end up with the fabrics having more FR coating applied to become compliant.

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

☐ Yes ☒ No ☐ Not sure

Comments: By doing this it will add a huge amount of due diligence to ensure that if a fabric is not protective and an interliner is not used that everything within 40mm of the fabric needs to be tested which will bring a huge amount of extra costs and resources to manage. An exclusion list would be a better idea and will identify materials that will not burn and therefore do not need to be tested. It also raises the question of how will small components actually be tested.

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: If the fabric passes the match test then there is no need for the cigarette test.

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: To use a schedule 3 interliner would mean upholstering products twice which in turn costs extra and doubles the production time and reduces capacity. The protective cover is a good idea but in reality the majority of fabrics would not pass as protective covers under the new proposal. The non-protective cover + compliant components route would be extra testing on components within 40mm of the cover meaning extra testing costs and resources to manage. Using any of the 3 proposals will be bring extra costs and possibly extra fire retardants.

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: At this stage it is unknown, it depends on which compliance route we decide to take.

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: Again, it is unknown but there is a good chance that the overall use of FR's may increase, whichever compliance route is taken.

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: Click here to enter text.

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:

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: I think clear text is the best way.

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: I feel that 24 months is a good transitional period.

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

☐ Yes ☒ No ☐ Not sure

Comments: FIRA have raised some good points, so just to reiterate.
There are a number of differences between the proposals and the draft regulations that need to be resolved. It is not clear from the Regulations whether private rental properties (both residential and holiday) are covered by these Regulations – there are in the current Regulations. Would pet beds be covered by the regulations? There are areas where terminology is not clear (e.g. the use of beds, bases and bed-bases) and this make interpretation difficult. The regulations state that 'beds and divans (including the bases and headboards of both), sofa beds are within scope. This suggests that a headboard if supplied with the product is considered part of the bed-base and therefore the cover fabric would not need to be compliant. This is different to the current Regulations where the cover fabrics of headboards need to be fully compliant. If this is correct, what about headboards supplied separately. Also there is no requirement for bed-bases and mattresses to have a technical file. This seems a strange decision and it would be clearer if these products also had a technical file. It is presumed that the schedules needed to be reorganised for legal reasons. This could cause confusion as many people understand the current schedules, especially during the lead-in period where both sets of products will be

available. It is disappointing that the test methods still reference old test standards and modify them. It would be clearer if the complete test method was included in the regulations – and work has been done on this previously. It is disappointing that the cigarette test for relevant materials is still a composite test (i.e. using the actual filling materials used in the final product). This is difficult and is not the route to compliance currently used, where the fabrics are used with a 'worstcase' filling and then sold to be suitable with any filling (this is a route currently accepted by Trading Standards). Also it is disappointing that the cigarette used for this test has not been updated (say to the NIST test cigarette) as the cigarette in the regulations is currently unavailable. This would most likely mean that a set of regulations would be published where immediately users of relevant materials would be non-compliant, although not necessarily unsafe. Also it is noted that where a water soak test in required in Schedule 2, it is dried by any means possible. The state of the art is to line dry the fabric (which has been incorporated into Schedule 5). In Schedule 5 it is not clear why the requirement for conditioning a cover fabric for 72 hours at indoor ambient conditions has been removed.

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: The amount of time will be based on the number of models being introduced each year and the number of fabrics associated to each model.

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

Amount saved: This will depend on the number of tests carried out

☐ Nothing ☒ Not sure

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

Amount saved: I am not sure if this will even be the case.

☐ 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: The 5 times testing of protective covers

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

BEIS/16/11/RF