2006-011 BFM 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): BFM Limited
Address: Clare Centre, Wycombe Road, Saunderton, Buckinghamshire, HP14 4BF

	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 revised definition of scope, being all encompassing unless specifically excluded by the regulations, provides for greater clarity and acceptance by our members.

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: Sleeping bags do not feature in the inclusions or exclusions of the 1988 regulations and no justification is given as to why they are now included in the proposed regulations. Mattress protectors need to have a stronger definition to distinguish them from say mattress toppers which are included in the proposed regulation. A 'washing machine' should also be more clearly defined e.g. load weight, volume, domestic, commercial, industrial.

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: A clearer definition of these products would be helpful to the industry. For simplification these products should be defined under a one size criterion for 'exclusion' of product up to a maximum 60cm x 60cm X depth or volume.

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: It is difficult to see how outdoor furniture clearly labelled as 'unsuitable for use inside the home' will ensure that it does not at some time, particularly during the winter months, get brought into a dwelling if it can practically be used in a dwelling.

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: The BFM cannot answer for the baby products sector but the arguments for exclusion put forward by the sector and the BEIS rationale for exclusion are seen as constructive. The specific issues related to child car seats are seen as warranting their exclusion as defined in the draft regulations but not referred to in this consultation.

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: However, no specific reference to the treatment of labelling for the re-upholstery sector is made in this consultation or the draft regulations. The sector will not be able to comply with the permanent label proposals due to the very nature of the services it provides. This needs to be addressed to avoid a legitimate sector being outlawed by the new regulations.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: Removal of the Filling 1 option is seen as a significant simplification of the test programme required to determine the routes to compliance.

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 is held that the specification of the 'melamine filled CMHR foam' should be simplified to a foam that meets the relevant schedule as the foam component is less likely to influence the test. The definition of the fibre wrap needs to be tighter as this has more of an influence. The references to schedules in the draft regulations are incorrect.

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

☒ Yes ☐ No ☐ Not sure

Comments: Under the proposed regulations the BFM understands that the majority view of members is that the protective cover option provides the simplest route to compliance.

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

☐ Yes ☒ No ☐ Not sure

Comments: The formation of a hole, of up to a 2mm diameter, as an element of the 'protective' cover pass criteria is seen by the membership, if not the industry, as impracticable in terms of measurement and unrepresentative of the deformation that occurs with fabrics which contain man- made fibres as they generally 'split' in a line. No technical rationale has been presented to support this definition of protectiveness and justify the cost burden of conducting a 5 x 2 times testing regime with a 4 times pass requirement. This may lead to an increase in the use of flame retardants for compliance and to best ensure a first time 'protective' pass. This compares to the current match test, which is clear and simple to understand when a fabric is compliant.

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

☐ Yes ☒ No ☐ Not sure

Comments: This is viewed by members as a 'minefield' with the potential for compound errors to occur when testing for compliance composite or individual components/materials that reside within 40mm of the cover fabric rendering the due diligence in this approach as potentially unsafe. The proposed test is not fully defined and does not set out how small or shaped components should be tested and there is now no simplification available through the provision of using an 'exclusions' list.

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: The BFM understands that FIRA have estimated that less than1% of fabric blends and leathers will fail the cigarette test if they pass the match 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: Our members produce a wide range of furniture and furnishings products competing at all levels of the market. A vast mix in the use and combination of materials and components naturally occurs as a result of this commercial activity. Accordingly, the BFM cannot predict the route to compliance our member companies will favour but holds the view that all routes will invariably be used and offers a perspective on each as follows: Schedule 3 fire retardant interliner – allows the use of any fabric but significantly increases direct costs through effectively upholstering the product twice. Protective cover – simplest route but may lead to an increase in the amount of FRs applied to the cover to best ensure a 'first time' test pass given the increase in the cost of the cover and the cost of testing. Non protective cover – requires a significant increase in the testing of components and materials used in different

combinations with all the attendant costs and potential increase in the risk of errors through the variability and repeatability of results. This route will be denied if commonly used materials and components (e.g. polyester linings, webbing and zips) inherently do not or will not (if they cannot be readily treated using flame retardants) pass the relevant test.

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: Concerns have been expressed to the BFM by members and their suppliers that the protective cover route will likely increase the use of flame retardants.

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: Each of the routes to compliance requires the use of flame retardants either present in the cover fabric, especially in a protective cover which is the simplest route to compliance, or present in the interliner, which will increase proportionately with increased usage, or additionally present to modify components within 40mm of the cover. It is considered that this will likely drive an increase the overall usage of flame retardants.

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: This is generally accepted as aiding traceability however the cost burden of setting up and maintaining the product record/technical file will vary greatly with Sme's (very small) such as bespoke and re-upholsterers, being affected more than sme's(small). It is recognised that much of the information required to be held on file will/should already exist within the business. The regulations call for the technical information to be kept for a period of "10 years

beginning with the day on which the furniture is supplied". It is unclear and requires a stronger definition if 'supplied 'means, for example, placing the model on the market by a manufacturer, or importer or suppling to a retailer or end customer.

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: During say a two year transition period this may cause confusion amongst consumers (some products with a label and some without) where consideration should be given to the removal of all display labels from the beginning of the transition period.

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: Members that have expressed a preference agree that text is the much favoured option with the message carefully conveyed as upholstered furniture is likely to contain flame retardants other than in the cover fabric.

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: It is likely that whatever transition period is agreed it will not suit all businesses. The proposal for a two year transition has not resulted in any significant adverse responses by BFM members.

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

☒ Yes ☐ No ☐ Not sure

Comments: 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 areas where terminology is not clear (e.g. the use of beds, bases and bed-bases) and this makes interpretation difficult. 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. 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. The cigarette test for relevant materials is still a composite test (i.e. using the actual filling materials used in the final product) which is not the route to compliance currently used, where the fabrics are used with a 'worst-case 'filling and then sold to be suitable with any filling (this is a route currently accepted by Trading Standards). 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.

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: A number of different factors within a business, as opposed to the existence of a 'firm', will affect the time required to meet the proposals on traceability e.g. the size and complexity of the product range and the frequency of introducing new models. The BFM suggests a file set up cost of 16 hours per model and an ongoing file maintenance cost of 8 hours per annum for the life of the model.

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

Amount saved: The BFM is guided by the FIRA response which expects a cost reduction in the range 10% - 55% per test.

☐ Nothing ☒ Not sure

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

Amount saved: The question presumes that the use of flame retardants will reduce and that this will translate into savings. The BFM response to questions 13a and 13b seriously challenges this position as it presents that the proposal may increase the use of flame retardants.

☒ 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: This consultation does not consider any impacts, most notably cost, arising from the proposed new (5 times) match test for 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