

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 7th 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 (if applicable): Lebus Upholstery Ltd

Address: Dunlop Way, Queensway Industrial Estate, Scunthorpe DN16 3RN

Please return completed forms to:

Terry Edge

4th Floor, Orchard 1

BIS

1 Victoria Street

London SW1 0ET

Telephone: 020 7215 5576

email: 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 |
| 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:

NO

Data available from work carried out by UKAS accredited laboratories suggest that reduction in FR chemicals may not be achievable, especially to the level proposed by BIS. Some fabric blends may even require an increase in FR chemicals to ensure they pass the new test requirements.

As a major upholstered furniture manufacturer, producing approximately 1700 suites per week, our fabrics collections are in excess of 450 and sourced across the globe. Testing the various fabric/filling combinations as well as non-visible materials will cost in the region of £27K+ in the first instance.

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: Paragraphs 19-22 all focus on the reduction of FR Chemicals. However the use of FR chemicals in furniture is not a requirement of the test, it is simply required in order to pass the test. Chemical usage is covered in different regulations so should be addressed elsewhere. As the FIRA tests showed, there will be no significant reduction in FR chemicals. However, testing over combustion modified foam is more realistic since only this type of foam may be used in domestic furniture made for retail in the UK.

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

A ☐ Yes ☒ No ☐ Not sure

A viable proposal will be to try and eliminate the anomalies and variability in test results from various UKAS accredited laboratories. There are too many "if's" involved in the proposed test methods. Previously materials either passed or failed. Now they can pass but be protective or non protective; if non-protective, then other materials need to be tested. If a fabric splits by up to 2mm, it passes, over 2mm it fails. There is too many variables for the changes to be viable for UK industry and too much confusion will surround the tests should they go ahead.

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

The inclusion of currently unregulated materials (e.g. webbings, silent wire spring clips) will only add to the confusion in test and may mean that these materials may have to be made flame retardant. Therefore increasing the use of chemicals

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

A ☐ Yes ☒ No ☐ Not sure

We believed that the benefits suggested are farfetched. We don't agree that any of these benefits can be achieved. We don't believe that furniture will be greener. The quantity of non-compliant furniture on the market will probably increase due to the more complex testing procedures and costs to manufacturers. There is no indication from research work carried out that there will be a significant reduction in FR chemical usage.

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

We believe that insufficient time has been given to the real issues with the current FFR. A thorough examination of the regulations to remove ambiguities and anomalies in test procedures would have been more favoured by the furniture manufacturers.

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 | | |

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

Whilst we agree in principle to the reasoning behind the changes, we feel that the test methods are overly complex and will hinder UK business rather than help.

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

As we are not a manufacturer or retailer we wouldn't be able to accurately respond to the following questions

Q1: Is the assumption on the cost of testing above right in your view? **NO.** Initial cost of testing will be very high. In our case £27k+ for the first round of tests

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

Q3: Are there any other costs not included here that should be included? Please provide evidence supporting your arguments. Administrative cost. For a medium to large manufacturer, a full time person will have to be employed to organise sample collection, testing, issuing of certificate and support to customer

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? Yes In our case, turnover of fabric stock is relatively quick.

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? No savings will be made since currently unregulated materials will have to be tested as per new proposal

Q6: Do you agree with the range of cost savings above? What are the cost savings most likely to be for your company? So far none

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.

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

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

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? NO

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