



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 (if applicable): Next Retail Ltd

Address: Desford Road, Enderby, Leicester, LE19 4AT

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
<b>Yes</b>	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:

**Aim 1 – To make UK Furniture greener**

NO – Do not agree that furniture will be 'greener'

*Firstly the term 'Greener' is not appropriate here. The use of the word 'greener' is considered to be a 'Greenwash' phrase and its use within this document does not meet the Defra Green Claims Guidance issued Feb 2011. The use of FR chemicals is not the sole measure of 'green' and it suggests that all FR's may be harmful to the environment.*

To make furniture 'greener' would require a much more detailed analysis of the materials used, manufacturing techniques, carbon impact and end of life. Such analysis is not presented in the proposal document.

A significant reduction in the use of FR chemicals may not be achievable on many fibre compositions.

NEXT is concerned that FIRA's research has shown that a reduction of up to 50% may be possible, but only on fabrics with a fibre composition of 100% polyester. This equates to less than 36% of the NEXT range.

Other fibre compositions such as 100% cotton, acrylic / polyester / cotton blends, leathers and faux leathers do not show that any reduction is achievable and this represents over 64% of our fabric range.

Furthermore, 50% polyester, 50% viscose blends showed a need for an increase in the use of FR chemicals in order to pass the new match test requirements. This will mean an overall increase in the use of FR Treatments and costs.

This research based evidence, along with the introduction of requirements for currently unregulated materials to be tested will *not deliver the 50% overall reductions* being suggested in the consultation.

NEXT customers demand choice and to deliver this we offer every fabric option across every sofa shape and filling materials; therefore the only foreseeable route to ensure compliance will be to use compliant materials within 40mm of the upholstered surface and this will now impact on greater than 36,000 combinations.

We are particularly concerned that this will result in an increase in the use of FR chemicals in order to meet the new test requirements and therefore the original aim from BIS to reduce FR chemicals will not be met.

Industry could change the materials used in the product construction, but we are not able to say whether the impact would be any more 'environmentally friendly', or cheaper than current materials or what the timescales for delivery would be.

## **Aim 2 – Save money to industry**

NO – Do not agree that industry will save money

Due to the reasons given above and based on the FIRA research carried out, there are no significant reductions in the use of FR chemicals able to be achieved, and there is a potential that Next will have to increase FR chemicals on some materials to pass the new test requirements, we do not believe that there will be any significant cost savings to industry.

Even though there is a proposal to remove the cigarette test for those fabrics that pass the match test, testing costs will increase due to the need to test lining materials and other components within 40mm of the cover in cases where the outer cover material is not protective.

Our manufacturers use several different lining materials dependant on the variety of filling materials offered to the customer. Next currently offers Cotton Cambric lining materials to contain feathers and prevent the quills from protruding through to the surface. Currently this type of lining materials may not be FR treated and they represent greater than 35% of our range therefore testing will increase in this respect.

Next also use several other types of lining materials to contain blown fibres. Each type of lining material will need to be tested in conjunction with the outer cover and therefore testing will increase in this respect.

The proposals only exempt materials that are  $< 90\text{g/m}^2$  and where the fibre composition is polypropylene (clarified by Steve Owen at the UKTLF meeting September 2014). NEXT however use materials over the  $90\text{g/m}^2$  for all feather cushions therefore again; testing and costs will increase in this respect.

In summary, this means overall testing costs will significantly increase with the need to test each lining material and also an increase in FR treatments and costs will be necessary for some of these materials to pass the new test requirements.

The consideration of currently unregulated materials / components within 40mm of the outer cover is very likely to result in the need to change product design which will also add cost and complexity to industry.

There may also be a need to replace current materials used with alternative versions that pass the new modified match test for components which may also increase cost and complexity of design.

Due Diligence and the cost of compliance is another additional consideration. How often will the testing need to be repeated on components – will it have to be batch by batch – as quite often recycled materials are used in plastic components and composite boards etc. and the mix can change from one batch to the next.

We have estimated that the cost of initial compliance testing coupled with the increase in due diligence testing would be, predicted to increase by between 150% – 200%, but could be worse due to high number of possible combinations.

There will also be costs associated with legislation familiarisation throughout our global supply chains to the new requirements. Based on NEXT experience of briefing and implementing similar legislative changes to our supplier base, the process will comprise of:

- Develop Technical Guidance in language suppliers/ manufactures can understand
- Initial technical briefing of primary and secondary suppliers
- Approval of current/new component sources
- Approval of revised constructions
- Agreeing changes to factory process controls
- Auditing all of the above.

This will need to a focused action plan (once clear legislative guidance is received on all aspects of this legislation) to hit product launch and legislation deadlines across a global supply chain. Our estimate would be a minimum of 6 days per supplier and based on our current supplier base this equates to approx. 300 working days.

*The BIS estimate of 2 hours in its impact assessment is grossly under estimated.*

### **Aim 3 – Make UK furniture MORE fire safe**

No/Unknown as to whether UK furniture will be more fire safe

The Green Street Berman report, commissioned by BIS and published in 2009, showed a significant reduction in the number of deaths (54 per year) and injuries (780) directly attributable to the number of fires in upholstered products (1,065 fewer per year) since the introduction of the Furniture & Furnishings (Fire) (Safety) Regulations in 1988.

It is important that the current levels of safety are not compromised by the introduction of the proposed changes to the test requirements as described in this public consultation.

There are some requirements that have been removed, such as the requirement to carry out the cigarette test on match resistant fabrics.

Leathers and faux leathers may pose an issue in this respect as UK laboratories reported at the United Kingdom Textile Laboratory Forum (UKTLF) meeting held in September 2014 that they have observed cigarette test failures on materials that currently pass the match test. Bearing in mind that the leather upholstery market accounts for 52% by value of the total upholstery market (Ref: Mintel Report -Living & Dining Room Furniture UK Jan 13), this could represent a real reduction in fire safety. Note; no unit information is available in the above report.

Similarly to the issue highlighted in Section 35 of the BIS proposal, as fashion trends change, it is not possible to foresee the types of materials that may be offered in future. It is therefore possible that fabrics could be developed in future that would pass the match test, but fail the cigarette test. At this stage, this is unknown.

The change in the test filling material will now allow the use of materials that split to pass the new test requirements. Materials that have not been used before because they fail the current test due to the splitting properties will now be allowed.

The requirements to consider lining materials and other currently unregulated materials within 40mm of the outer cover could be seen as an increase in fire safety as we now have to consider materials that are within the product construction, and this has not been considered previously. However, there is no evidence that this would increase overall safety as no evidence exists currently to suggest that these unregulated materials are an issue currently and therefore no comparisons can be made.

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:

**No, paragraphs 19-22 do not accurately set out the need for a change to the current match test**

The current Regulations are performance based and the use of FR chemicals is not currently a requirement of the Regulations, however, in order to achieve compliance, FR chemicals are often used.

NEXT fully support a reduction in the use of potentially harmful chemicals but also recognise that the use of such harmful chemicals used in the production of upholstered furniture would be regulated by REACH, where a careful assessment of the health and environmental impact of a chemical is made before its use is restricted.

The green science policy institute (USA) mentioned in paragraphs 19 – 22 have been campaigning for the removal of FR chemicals in full. The changes to the current match test do not allow for the removal of FR chemicals in full and due to the nature of the NEXT customer offer, we believe that for the foreseeable future more FR chemicals will be required in order to comply with the new tests proposed by BIS.

In paragraph 20 BIS state that California has changed its FR tests and this has been raised as a reason for the need for change, however, the Californian position has changed to include only the cigarette test and to remove the match test, which is the opposite to the proposals given in this consultation document by BIS. Indeed, BIS have stated in clause 4.4 of the impact assessment document that the Californian requirements (TB117:2013) offer less fire safety than the current UK Regulations. Therefore this is not a valid reason.

In paragraph 21 the BIS proposal suggests that the possibility of an FR chemical being classified as a Persistent Organic Pollutant (POP) in the future and therefore becoming classified as hazardous waste is a reason for change. The proposals do not restrict the use of FR chemicals in any way. The situation would remain the same under the new proposals as it is not the amount of chemical used that would mean the item would be classed as hazardous waste, but merely the very existence of the chemical in the product. Therefore this is not a valid reason.

In paragraph 22 the BIS proposal looks at the EU objections to the use of FR chemicals in furniture. The new proposed changes to the test methods will not eliminate the use of FR chemicals in upholstered furniture. Even though reductions may be achievable on very specific fibre compositions such as 100% polyester, other fibre compositions have shown that more FR will be required in order to pass the new tests and therefore levels of FR chemicals used are likely to remain the same.

Discussion held between DG Sanco and the UK furniture industry, via the British Furniture Confederation, have also confirmed that there is no current appetite to introduce or harmonise flammability requirements for furniture in Europe. Therefore this is not a valid reason.



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

A

☐ Yes

☒ No

☐ Not sure

Comments:

There are certain aspects of the new proposed test requirements that will affect the viability.

Hole formation has been classified in the consultation document as a hole that is greater than 2mm<sup>2</sup>. In reality this is going to be very difficult to measure and there is a risk that different laboratories will obtain different results. At the UKTLF meeting held in September 2014, this issue was raised to Steve Owen (Intertek) and the advice was to measure with a ruler / scale and take images. However this assumes that the hole formation is regular, however hole formation is often irregular and can be a series of small holes. These are much more difficult to measure than a simple circular hole.

There can be such variability in fabrics that the result can be different on the two tests performed on the same test sample. This uncertainty of measurement combined with the variability in the fabric itself may lead to issues with repeatability and consistency across test laboratories. This inconsistency would further drive NEXT to err on the side of caution and treat 'any' split as a split greater than 2mm. As a consequence this would increase test costs/ FR treatment/ design and construction costs.

Testing of small components will also be an issue. The test laboratory would have to modify the test method and apply the flame to the front face of the component. A small component such as a spring clip or similar could be fully consumed during the 20 second match flame application, whereas a larger component, just by the very nature of the size of component may not be consumed. In addition the heat load and flame from a small component may not be sufficient to initiate any further burning in a product.

Again this was raised at the UKTLF meeting in September 2014 and the advice from Steve Owen (Intertek) was to test in the manner described above and document the deviation to the test method in the report.

NEXT is concerned that any deviation to Regulations would not be able to be used in court by trading standards officers in the event of a non compliant material used in product and a potential prosecution arising, as prosecutions can only be made against a breach of the Regulations, and this could not be proved if a deviation to the Regulations was followed. Also this will lead to challenges to the test laboratories on any close failures due to the potential inconsistent application of the test method.

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

Comments:

NEXT understands the principle that the new match test will allow cover materials that split to pass. However, now that BIS have determined that materials that split can potentially be used, there could be a loss of protection that was previously offered by the cover material in the current test.

There is a need therefore to consider other materials that are currently unregulated.

Even though the consultation has been launched, and an open day held at BIS, there is still confusion in the industry over what is in scope and out of scope. The guidance given in writing by BIS in the proposal documents is still not clear. The only guidance available has been communicated verbally by Steve Owen and whilst we now understand better what is intended, there is still a significant need for full clarity.

At a recent seminar held at FIRA, manufacturers raised concerns over speaker systems and docking stations and how the wiring will be classified as this will be within 40mm from the visible cover and is not covered by a passing protective material. Similar concerns were raised about riser recliner chairs and the wiring for remote controls which is quite often located underneath the outer visible cover.

These types of concerns will need to be addressed with adequate guidance. Currently there is no written guidance in this respect and we are therefore unable to accurately assess the impact these new requirements will have upon their business.

To ensure compliance, NEXT will not be willing to categorise fabrics that split or do not split; we off all fabric options on all sofa shapes and filling types which equates to greater than 36,000 combinations. We have no alternative but to ensure compliant materials are used or that the product construction offers the protection for the currently unregulated materials.

There has been a suggestion from BIS that an exemption list may be possible for certain materials that pass the test and do not form a hole (protective). However, there is no information in the consultation document that explains how this would work and how this will be managed.

Consideration needs to be given as to whether this would mean an exemption list given by material type (generic) or; by the manufacturer of the component (as all chipboards are not manufactured using the same mix of raw materials)?

The test method would need to be very clearly defined. It is important to make it as clear as possible how to test, even if explaining the obvious, so that it can be more easily implemented globally.



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

A

☐ Yes

☒ No

☐ Not sure

Comments:

Paragraph 31 - Benefit: - Greener UK furniture will be available sooner

No, it is difficult to comment upon the term 'Greener' as this is not clearly defined and the use of FR chemicals is not the sole measure of 'green'.

It could relate more to 'sustainability' which would relate to environmental, economical and social impacts. We have addressed this elsewhere in our responses.

Paragraph 32 – Benefit: - Cost savings

No, we do not feel that any significant costs savings are achievable.  
This has been dealt with in our response to Q1.

The testing research carried out at FIRA does not show that any significant savings are achievable on FR chemicals on the cover materials. The unregulated lining materials and components may have to have FR treatments added to them in order to be compliant with the new test requirements. Therefore we do not believe that the original aim of reducing FR chemicals will be met.

As a reduction of FR chemicals may not be achieved, it may be also therefore not be possible to achieve a cost saving overall. As other materials within the product construction may need to be changed and replaced with a compliant material, extra cost may be associated with this process.

Product development costs and re-design also need to be considered as part of the process and therefore this will have an indirect affect on costs.

Paragraph 33 – Benefit: - European flammability provisions

No, benefit as not on the EU agenda.

As noted earlier discussions between the British Furniture Confederation and DG Sanco have confirmed that there is no interest in a pan European fire safety regulation. As it is therefore not currently on the EU agenda, and not likely to be in the future, this argument is not relevant. If there were no changes to the Regulations there would not be a need to seek any EU approval.

Paragraph 34 – Benefit: - Inclusion of currently unregulated materials

No, benefit

The Fake Britain programme is mentioned in this justification; however the failures highlighted in the programme were not associated with the currently unregulated materials. There is no evidence that the products shown on the programme would contain materials / components that would not pass the requirements for currently unregulated materials.

We have not yet seen any evidence to suggest that the new test will prove to be more / less fire safe than current requirements.

#### Paragraph 35 – Benefit: - Correcting unforeseen failures under the current match test

We are still unsure of what materials may be developed in the future that could potentially create unforeseen failures.

The current tests, and that in the new proposal, are both stylised worst case tests. It is likely that whilst one 'unforeseen' failure is corrected, others will be added. There is the potential for fabrics that split to pass the new match test and this will inevitably bring variability into the equation.

#### Paragraph 36 – Benefit: - Preventing insufficiently treated products getting into UK homes

Companies that are trying to comply with the Regulations, but which fall foul of variations in the fabrics used and materials and processes needed to treat fabrics will still find that there is potential for some insufficiently treated products getting to market.

Any unscrupulous organisations that are currently responsible for deliberately under treating fabrics are highly likely to continue this under the new test regime, as the same penalties will apply.

Unscrupulous organisations could offer a passing protective material initially but then reduce the level of FR coating so that it becomes a passing but non protective material, potentially then putting the furniture manufacturer and retailer at risk of non compliance for other components within 40mm of the cover.

What would help is better enforcement of the Regulations.

This almost re-enforces that the existing test method would still work in this respect but does need better enforcement.

#### Paragraph 37 – Benefit: - Disposal of product containing hazardous waste

Therefore this is not a valid benefit.

If an item is classified as a Persistent Organic Pollutant (POP) then it would be classed as hazardous waste. The proposals do not restrict the use of FR chemicals in any way. The situation would remain the same under the new proposals as it is not the amount of chemical used that would mean the item would be classed as hazardous waste, but merely the very existence of the POP classified chemical in the product.

#### Paragraph 38 – Benefit: - Encouragement of new flame retardant technologies

NEXT fully supports the use of new / alternative technologies. The new tests however, do not necessarily support the use of these new technologies at this time.

In fact, the changes described in this consultation are as likely to see the continued, tried and tested use of FR chemicals.

It is REACH criteria for assessing hazardous chemicals not the Furniture & Fire Regulations that is driving new/alternative flame retardants such as Deca DBDE has already been phased out successfully due to REACH and a European wide industry approach.

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

Comments:

NEXT, along with industry has been calling for a revision to the Regulations for many years. A meeting of the working group took place at BIS in January 2010 with Ben Coates where a full revision was formally agreed, with a plan for fully revised Regulations to be introduced by potentially October 2012.

**We see this partial review as already delayed and would prefer to have the Regulations revised in full at one time and not have a separate amendment at this time for schedule 4 and 5.**

We strongly believe some of the other amendments such as clarification of definitions (scatter cushions vs. floor cushions and clarification of garden furniture) to be equally important and would have preferred for these changes to take place at the same time.

We will have to respond twice to the changes in terms of managing the change through the business and educating a global supply base on the new requirements, further increasing the costs of implementation

This is both time consuming and confusing for the supply base.

In paragraph 41 BIS states that these new tests represent the biggest change in the amendments. If this is the largest and most significant change, then it would be reasonable to expect that the other amendments and considerations would be able to be taken into account at the same time and implemented as one amended document.

**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**

Comments:

**NEXT fully supports FIRA's position:**

FIRA are supportive of BIS aims for reductions in potentially harmful chemicals where they exist and support the use of alternative technologies.

We also appreciate that BIS have actively engaged with the supply chain in discussing the proposals and have tried to make adaptations to the test requirements to incorporate comments made during this process. This has meant that the requirements have evolved over the duration of the consultation process.

FIRA have answered the questions that were required in this consultation response form. However, due to the very specific nature of the questions, the responses could possibly be looked upon as negative as we do not necessarily agree with some of the statements made in the specific paragraphs we have been asked to comment upon.

We would like to put forward some constructive suggestions that may help the industry, should these new test requirements be approved.

Where we have envisaged particular problems, we have tried to offer a potential solution and these are as follows: -

**Match test**

The fabric mills will offer the buyer fabrics / materials at a certain price, and the buyer needs to be aware of what is being offered.

A classification scheme for cover materials will be required to ensure that all the test laboratories are reporting results in the same way.

This will make it easier for the industry to ensure understanding of what fillings have been used for the test and whether or not the material offered has split and is therefore not protective or whether it remained intact and therefore unregulated materials do not need to be considered.

A suggestion is made for classification of visible cover materials as follows:-

- |      |   |
|------|---|
| P1)  | Tested over filling 1. Passes the match test. Does not split and is therefore protective                        |
| P2)  | Tested over filling 2. Passes the match test. Does not split and is therefore protective                        |
| NP1) | Tested over filling 1. Passes the match test. Hole > 2mm <sup>2</sup> is formed and therefore is non protective |

- NP2) Tested over filling 2. Passes the match test. Hole > 2mm<sup>2</sup> is formed and therefore is non protective
- FAIL 1) Tested over filling 1. Fails the match test and cannot be used
- FAIL 2) Tested over filling 2. Fails the match test and cannot be used

Similarly, a classification scheme will also be required for the new modified match test for currently unregulated components.

A suggestion is made for classification of visible cover materials as follows:-

- CP-P - Component passes match test. Does not split and is therefore protective
- CP-NP - Passes the match test. Hole > 2mm<sup>2</sup> is formed and therefore is non protective
- C FAIL - Component fails the match test and cannot be used in the product construction unless it is fully covered / protected by a component classified as CP (a passing protective material)

#### Guidance Document

An easy to understand guidance document will be necessary for the industry to manage the changes effectively across a global supply base. FIRA have already created alternative versions of the flow charts issued after the open day that help the supply chain better understand the routes to compliance.

#### Lead In Times

Although this is covered in Q4 of the Impact Assessment, NEXT view is that a more realistic lead in time would be 48 months to enable the full supply chain to manage the changes effectively. Fabric suppliers and component suppliers have indicated a reluctance to start to make any changes until the final fully documented test requirements are published as they need to be aware of the correct requirements (as these have continually evolved throughout the process).

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

#### Labelling

We believe that product labelling may also need to be addressed for two reasons:

- a) The display label that shows cigarette and match resistance of covers is no longer appropriate as the proposal will not demonstrate cigarette resistance, only match resistance. As noted earlier it cannot be assumed that all match resistant covers are also cigarette resistant.

- b) The permanent label will need to indicate whether a cover fabric is protective or not. This will help not only with enforcement, allowing Trading Standards to understand the steps a manufacturer has taken to comply with the regulations, but also to assist re-upholsterers to use suitable replacement covers when it comes to end of life considerations.

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

No, negated

The removal of the cigarette test for those fabrics that pass the match test will initially reduce the overall cost of testing, however, all of this will be negated by the additional testing that will have to take place for lining materials in conjunction with the outer cover, and also the inclusion of a new modified match test for currently unregulated components within 40mm of the cover.

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

NEXT supports the FIRA Response below:

Familiarisation costs – the estimate suggested by BIS seems to be remarkably low. It would take at least two hours to familiarise one supplier alone with the new requirements. Multiply this across the entire supply base and this will mean that a significant amount of time will need to be spent in managing this change.

Familiarisation costs will not be restricted to one individual within each company in the supply chain

Manufacturers and retailers (also overseas manufacturers, re-upholsterers, fabric manufacturers, fabric treaters, agents and importers) will all have to understand the implications of the new test method. It is difficult to estimate the total cost of such an exercise, but even if it were as low as 1 man day per organisation then the cost estimate is low.

e.g.

Using comparatively low estimates for organisations affected and man days required for familiarisation we have carried out the following calculation:-

4500 UK manufacturers affected (estimate using ONS stats) – lower than BIS estimate of 6000+ which was taken from FIRA's statistics digest but which reflects ALL UK furniture manufacturers, not just those who deal with upholstery.

1000 overseas manufacturers a direct UK cost as UK companies will have to educate them)  
*\*Next believe this figure is under estimated as from experience overseas production will be greater than UK production*

500 furniture repairs (ONS)

5000 retailers including branches – based on a very low estimate taken from (ONS)

1000 others in the supply chain (guess)



Total organisations concerned = 12000

Total man days. = 12000

Average cost of employment per man day using BIS figures and assuming a 7 hour day (although this seems a low estimate as additional costs of employment over and above a salary are much more than 17%)

= £107

Total familiarisation cost (low estimate) along the supply chain = £1.3 million.

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

NEXT supports the FIRA Response below:

There are many other costs associated with the new match test but primarily these will be as follows:

- Increased due diligence in addition to the basic familiarisation costs
- New alternative product development costs
- Potential increases in materials costs of new, novel products
- Costs to the retailers of re-assessing supply chain capabilities, test evidence and product mixes

It is difficult to place an estimate on this – but even if there were only one more man day invested in these elements by retailers alone (and excluding potential increased materials development and sales costs) then the labour costs would be of the order of £3 million.

**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?

No – Do not agree the assumption that there will be minimal losses of stock given the transition period

The transition period suggested currently by BIS is 18 months. However, a more realistic transition period would be 48 months which would allow industry to respond to the changes and sell through existing stock.

Initially the fabric suppliers and back coaters would have to work on their materials to ensure that these are compliant to the new test requirements.

Once the new materials are available, the manufacturers and retailers will be able to re-design their products to use the alternative compliant materials in their product construction.

As the critical path in retail is 12 – 18 months, this would mean that compliant production would be achievable into the UK within a 48 month period. This would also allow a reasonable time for

companies to manage stock out of the business including existing fabric commitments that would not meet the new requirements.

This will partially depend upon the date of implementation of the new test as if it were implemented prior to the main sourcing period for retailers (typically end of year and first few months of the subsequent year) – there might be a gain of a few months less than the 48 month period suggested above. In addition, as this is the main buying period, any impacts on potential loss of stock would be minimised

REACH legislation uses a sunset dates of 48 months for chemical compliance.

**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 – Do not agree

The proposal only takes into account the cost saving for the removal of the cigarette test. BIS has not made any reference to the extra testing to be carried out on the currently unregulated materials such as lining materials and other components within 40mm of the cover, although it is hoped that there will be minimal need for large volume testing of the latter subject to the provision of an effective list of approved materials.

These extra tests should have been included in the consultation document and the associated costs listed.

The removal of the cigarette test for those fabrics that pass the match test will initially reduce the overall cost of testing, however, much of this will be negated by the additional testing that will have to take place for lining materials in conjunction with the outer cover, and also the inclusion of a new modified match test for currently unregulated components within 40mm of the cover.

Should this not be the proven to be the case then the projected overall savings (based on figures provided by test houses – which to our knowledge are not publicly available – and we don't recall providing our own data either) seems extremely high.

For example, FIRA is one of the UK's leading test houses and its total annual income from both domestic and contract fabric testing (including both wear performance and flammability) is of the order of £250 to £300k.

BIS's predicted test savings of £7.5 million suggest a testing market size in excess of £15 million. This seems to be a massive overestimate although we have no additional evidence, apart from circumstantial evidence based on our own turnover.

Based on the above evidence we would expect that potential financial testing savings would be comparatively minimal.

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

NEXT supports the FIRA Response below:

The FIRA numbers seemed correct at the time that they were calculated but the BIS figures seem to be much higher than discussions with fabric coaters would suggest.

The FIRA test report (which was published subsequent to the above initial estimates of potential cost savings) demonstrated that for many of the fabrics selected there would be little or no change in flame retardants. The only significant reduction in flame retardants would be for fabrics with a high polyester content and 50% polyester / viscose mix fabrics would need a yet to be quantified increase in flame retardant coverage.

We do not have the market data to show what % of total UK manufactured FFR upholstery uses fabrics of these types so savings are hard to calculate.

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

NEXT supports the FIRA Response below:

But at some stage the cost calculations presented within the consultation need to be reconciled with data published by FRETWORK in a Newsletter (16a-11 September 2014)



Fretwork Newsletter  
No 16a.docx

In this document the total value of flame retardants specific to FFR Upholstery in the UK is valued at £6.3 million.

Our understanding of their figures is that this equates to 17.2 million running metres which, at a coating width of 1.4 metres, would mean that 24.1 million square metres of fabric is used in the UK for domestic FFR upholstery.

These numbers are significantly different from the values presented in the previous section where the estimated treated fabric demand for UK manufacturers in the domestic market is valued at 65.6 million m<sup>2</sup>

**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?

NEXT supports the FIRA Response below:

FIRA has carried out its assessment of likely cost savings in relation to flame retardants based on:

Data from ONS

Verbal communication with flame retardant coaters

Verbal communications from manufacturers on fabric volumes.

FIRA's testing of fabrics to the new match test

These were discussed at a meeting with BIS in September (Clare Centre, Saunderton) and are calculated as follows – the detail has been added for clarification but in effect, the calculations and numbers are the same as in the consultation document.

Estimate of total flame retardant fabric used for domestic upholstery manufactured in the UK (annually)	Source or calculations	Values
Total domestic upholstery market (UK manufacturers only – not imports.)	ONS (2013) and FIRA Stats Digest (2013)	£956318000
Estimate of average manufacturer selling price	Verbal communication (taking account of some larger items, upholstered chairs and dining/other chairs with upholstery	£175
Avg. no of items	95631800/175	5464674
	NB – Using a sense check calculation based on the total UK (imports and exports) upholstery market and the total number of households in the UK, this number correlates with a 3 piece suite being replaced approximately every 8 to 9 years.	
Avg. square metres of fabric for a small sofa	Verbal communication (taking account of some larger items, upholstered chairs and dining/other chairs with upholstery	12m <sup>2</sup>
Total fabric used by UK domestic upholstery manufacturers	5464674x12	65576091m <sup>2</sup>
FR treatment costs	Verbal communication with fabric coater	£1.15 per m <sup>2</sup>
% New match test savings in treatment costs per m <sup>2</sup>	Value sourced from a fabric coater by FIRA	10%
New match test savings in treatment costs per m <sup>2</sup>	£1.15x0.1	£0.115
Total potential treatment cost savings per year due to the new match test	65576091x0.115	£7541251

## HOWEVER

No FIRA's test research on different fabrics indicated that the main savings in FR treatment (51 to 100% less FR needed) would be with high polyester content fabrics but that 50% polyester / 50% viscose fabrics would need more FR (amount not known).

As such, the cost savings originally attributed to all of the fabric used by UK manufacturers would not apply.

This demonstrates that the cost calculations are considerably more complex than FIRA's and BIS's first stabs and that, until the actual FR coverage is known for the full range of fabric types, and the % market share of each of these fabric types, then any cost savings (or otherwise) for industry will be difficult to estimate with any degree of accuracy.

We would like to make it clear that the high value savings calculation is based on BIS projections of treatment cost savings and not FIRA's we think that this is very high, especially in the light of the previous 3 paragraphs.

In addition, we have no knowledge of the size of the baby products market.

We don't have figures for the upholstered garden furniture or caravan markets in the UK but these would be extremely small in relation to the upholstery market that is accounted for within the calculations above.

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

We agree with the methodology adopted but disagree with some of the assumptions.

Our estimates suggest that furniture is replaced every 8 to 9 years – not 5 years. We have done a sense check of this as follows:

Total UK market for upholstery (ONS including imports)	£1,584,339,000
Total no of households (ONS)	26,414,000
Total no of sofas / chairs per year (assuming £175 per item manufacturer selling price)	9053365
Sofa / chair per household per year (9053365/26414000)	0.34
Years until a single new chair or sofa is bought (1/0.34)	2.9
Years for a 3 piece suite to be bought (2.9x3)	8.7

We also disagree with the low estimate of average fabric used in a 3 piece suite. To tie in with other evidence and methodologies that we have submitted we would estimate this to be 36m<sup>2</sup>

Using these changed assumptions the estimated demand for fabric within the UK in a year would be 65544827 m<sup>2</sup>

This value is similar to the value that was calculated using the FIRA method in the previous section.

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

NEXT disagree with the waste benefit at this time – even if an item had only a small amount of a POP designated chemical then the disposal issues would still be the same. Thus this is a separate issue from the current match test issue which will still require the use of some FRs in many circumstances.

Other unquantified costs and benefits have been highlighted elsewhere in this response.

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

NEXT believe the savings would be negligible compared to the due diligence and familiarisation costs which will be proportionately considerably more onerous for small companies.

We agree that there are many small companies within the sector who may benefit proportionately more from any potential savings in FR treatment but that these savings would be negligible compared to the due diligence and familiarisation costs which will be proportionately considerably more onerous for small companies.

If we consider the re-upholsterers as a smaller business, then they could see an increase in split or; they will have to use a protective passing material to cover the product as they are not the original manufacturer so will not know how the components will perform to the new test requirements. This could add significant cost to the product / process.

**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.

We do not understand the table, nor the arguments, so cannot comment effectively.

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

We do not understand the table, nor the arguments, so cannot comment effectively.



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 ☒ YES

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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