

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:

Organisation (if applicable):

Address: THE WHITTLE ESTATE

CAMBRIDGE RD, WHETSTONE

Please return completed forms to: LACS

Terry Edge

4th Floor, Orchard 1

BIS

1 Victoria Street

London SW1 0ET

Redacted

SEE ATTACHED

ANSWERS BEHIND THIS
FORM

Telephone: 020 7215 5576

email: terry.edge@bis.gsi.gov.uk

Please tick boxes below which best describe you or your organisation.

	Organisation type
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)

Organisation type	
<input checked="checked" type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	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:

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:

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

A ☐ Yes ☐ No ☐ Not sure

Comments:

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

Comments:

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

A ☐ Yes ☐ No ☐ Not sure

Comments:

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

Comments:

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					
Range of options wide enough					
Preferred options well chosen					

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

Comments:

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

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

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.

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?

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?

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

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?

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

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit www.nationalarchives.gov.uk/doc/open-government-licence, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email psi@nationalarchives.gsi.gov.uk.

This publication is available from www.gov.uk/bis

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@bis.gsi.gov.uk, or call 020 7215 5000.

BIS/14/980

Proposed Amendments to the Schedule 5 – the match test, part 1 and Sch 4 – the cigarette test (Fire Safety) regulations 1988

Consultation

Terry Edge
4th Floor, Orchard 1
BIS
1 Victoria Street
London
SW1 0ET

Small Business

Question 1

The aims to make furniture greener will fail because, FIRA tests show that only polyester top fabrics will require less FR chemicals to achieve a pass of the new test. To achieve a barrier from previously non-regulated components there will have to be either more treated lining cloths and or treated components. Retailers will demand from their manufacturers that all components will conform so that there is certainty of a conforming piece of furniture. All of this will increase chemical use and cost. If all manufacturers try to find a route to conformity that avoids this blanket product pass, there will inevitable be confusion and non conforming furniture sold. The route to conformance is complicated and will result in furniture not being safer.

Question 2

Yes the paragraphs 19-22 do set out the need for a change to the current match test.

However the proposals in practice DO NOT lead to a reduction in chemicals. They may even result in an increase.

Question 3

The proposed changes are not viable because they will not lead to a reduction in chemicals, they will not lead to cost reductions and in practice will see more

non conforming product in the market place. The proposals will be very difficult for smaller companies, in particular, to work with. The current proposals are at least "Black and White" the new proposals are all about finding a route to conformity. When many different types of fabrics and designs are offered, there may be a different route for each one.

Question 4

Currently un-regulated products that are below the fabric and foam layer, such as elasticated webbing are un-necessarily being included in the new proposals. For them to be exposed to a flame the chair would already have to be burning substantially. To include these items you are adding substantial cost and complication, but no substantial safety improvements. This is where the main confusion is going to be.

Question 5

I do not agree with the benefits that BIS believe the changes will bring. There will be no reduction in chemicals, costs will go up and there will be a greater chance of non-conforming product in the market place.

Question 6

BIS originally brought forward the changes with the intention of reducing chemical usage in line with EU wishes. However BIS have not been prepared to reduce the flammability of the furniture, as not politically acceptable. They have tried to find a solution that is the best of both worlds and also sell the prospect of cost reductions. Unfortunately as the proposals have progressed it has emerged that there will be no reduction in chemicals or cost and it would be very unlikely that furniture will be safer. However BIS will succeed in increasing bureaucracy and confusion, which is the last thing that business needs.

Question 7

Right Problems Identified – 4
Range of options wide enough – 1
Preferred options well chosen – 1

Question 8

The proposals will result in confusion and the prospect of non conforming product in the market place. The Manufacturers and retailers will respond to this by ensuring that every item in the furniture is conforming, so that they can be sure of conforming furniture. The result of this will be extra cost of making products conform and extra chemical used to ensure this. The variable route to conformity will ultimately lead to non-conforming furniture unknowingly in the market place, thus causing a potential fire risk. This is the worst of all worlds.

Additional Questions

Q4

Component Suppliers have very large product supply pipelines and very high stocks. If this legislation is brought in, some of these products may be instantly undesirable and un-sellable. However until specific detail is given, suppliers have no idea which products may be exempt or not. If the proposals are brought into law there must be a long lead in time of at least 24 month to work through these stocks. Our stock from order to sale can easily be 12 months, but you won't be able to sell these product near to the cut off point.

Q6

There will be huge extra costs of testing of all components. This will have to be passed onto customers.

Q7

An update of the current test is acceptable, but manufacturers need to be able to buy a conforming product and know that this will lead to a conforming piece of furniture. A more sensible approach would be to ensure that the top fabric or a combination of top fabric and lining, pass a test and act as a barrier. If this is the case then nothing under the fabric will need to conform. This makes the route to conformity clear and easy.

Q11

Smaller businesses will be burdened by bureaucracy and uncertainty. There will be excessive testing costs for every fabric and combination of fabrics. Costs of components would increase, without an increase in the sales price of the furniture. Some small businesses will undoubtedly be forced out of business. Excessive bureaucracy will always favour the big business over the small business. Is this what BIS wants?