

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): SATRA

Address:

Please return completed forms to:

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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 checked="" 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
	Small business (10 to 49 staff)
	Trade union or staff association
x	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: I am not qualified to answer with certainty. The proposal should enable manufacturers reduce the amount of "substances of concern" used in furniture, which may well make it "greener". I cannot answer regarding money saving as I am not expert in the treatment processes. I cannot answer regarding the fire safety implications as I have not seen any reports on comparative whole item tests on complete items (e.g. sofas). In my opinion, these tests should be done before the proposed change is made to the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

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: Until we have actually carried out the new tests as described, I cannot give a simple categorical with confidence as to whether they will be workable for test laboratories like SATRA. I can, however, make a few comments about certain details.

In paragraph 24, the fatigue classification of the standard foam used in the new tests is stated as being "class A". In my experience, this may make it more difficult to obtain. At the "Open Day" meeting in August at BIS. Steve Owen said that he had just copied the specification from the data sheet of a particular foam supplier. There is no reason to specify the fatigue class for this foam here, as it is only being used once or twice in a test rig. If the intention is to require test labs to only use foam from one source, then that source should be identified and made to declare that the foam will continue to be available on a commercial basis for the foreseeable duration of the new regulations.

Paragraph 24 states that the test filling "2" includes a thermally bonded polyester fibre sheet. I understand the reasons for this to be included, and this approach to the test is viable, but If the new regulations do not specify the thickness of this fibre sheet, or the change to the thickness of the foam it is used with, then there will be variation in the test results from different labs. The thicknesses should be specified.

In paragraph 26, I do not understand what is meant by "...lead time for supply....could be increased by approximately one week". Why should this be the case?

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

Comments: I think that there is a good case for saying that these materials may contribute to a dangerous fire as it develops in a burning item (e.g. a sofa). Based on what I have seen and heard, I think that the current match flame test does not ensure that they are always protected. I think that the term "currently unregulated materials" is a confusing one, and any new legislation should carefully define what this term means. I think it means what I would call "non-resilient interior materials", in order to distinguish them from foams, fibre wraps, loose fibre, feathers etc.

If the proposals go ahead, we will be testing "covers", "resilient fillings" and "non-resilient interior materials". Any new regulations should use terms describing the materials with care.

I do not think that board materials made in, say, China will behave in the same way as those made in, say, in the UK. How could the logic presented in paragraph 27 be justified? I am doubtful.

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: The reasons are sensible in the sense that the stated aims are sensible. We should indeed be trying to avoid the over-use of FR chemicals, and we should also be trying to ensure that "currently unregulated materials" (e.g. cardboard) are not likely to ignite in the home. We are also in a position of leadership in the EU regarding an understanding of fire-testing upholstered furniture, and we should be trying to help ensure safety throughout the EU by adopting a balanced approach to the twin issues of "fire-safety in the home", and "avoidance of hazardous chemicals".

The "precautionary principle" in the field of chemical safety is a difficult issue – we perhaps may have to use some of the "suspect FR chemicals" to ensure that deaths from domestic fires are averted. I am not expert on the methods by which such chemicals may actually be ingested, but I do accept that there may be an issue with children in the home – they may be ingesting them. I have not studied any of the evidence about this hazard.

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		

The cigarette test should be retained for all visible covers. We need more details about the test methods to make the options clearer.

If, as I understand, there will be a specification in any new regulations for the permitted hole size that may develop in the tests, then I do not know how this could be consistently applied. It may involve extra costs in carrying out the tests.

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

Comments: Practical evidence in the form of tests on whole items of furniture made using both existing compliant materials, and also using materials compliant with the proposed regulations (new match test, etc) would inform the decision-makers involved. SATRA could do these tests, and I do not know why other labs are unable to.

In general, I think that better clarification of the existing proposals may help people accept them. Such clarification would mean that their reactions to them would be more constructive.

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? Sorry, I am unable to comment.

Q2: Do you have any evidence that could help to refine this cost estimates? Sorry, no.

Q3: Are there any other costs not included here that should be included? Please provide evidence supporting your arguments.
Any changes will require training of people involved, so that the new requirements are fully understood. I am not sure that this has been allowed for. I estimate that the typical training cost to a business involved in the supply or manufacture of upholstered furniture would be £500. The cost of our current training courses is shown on our website.

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?
Sorry, I cannot comment.

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? Sorry, I cannot comment.

Q6: Do you agree with the range of cost savings above? What are the cost savings most likely to be for your company? We are a test house, so this is not applicable.

Q7: Are there any other methodologies you think would be more appropriate? Sorry, I don't know.

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? Sorry, I cannot comment.

Q9: Do you agree with the assumptions above towards calculating the total annual amount of treated fabric? Please provide evidence supporting your arguments. Sorry, I cannot comment.

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

There is a cost associated with the increased complexity of the tests. Understanding them takes time.

Q11: Is this a fair reflection of how smaller businesses will be affected? Please provide evidence supporting your arguments. Sorry, I cannot comment.

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.

Sorry, I cannot comment.

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

Sorry, I cannot comment.

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 (No, unless they relate to this subject area – the Furniture and Furnishings (Fire) (Safety) Regulations)

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