



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): Independent consultant to furniture industry

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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
	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): Consultant

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: The key issue of making furniture safe or retaining the current level of safety has been addressed but I am not sure it has been sufficiently demonstrated that it will deliver the required fire safety levels. There is a significant amount of furniture imported from countries where fire safety is not a high priority. Many of these products are distributed through to consumers via the internet, Ebay and "back street" wholesalers where product testing does not take place.

Encouraging producers to reduce the levels of fire retardant chemicals will make the products greener than they are today.

If the projected cost savings are based on UK consumption data the savings will be of benefit to the UK producers and the overseas producers. Cheaper products from abroad might result, which could impact on the viability of home produced furniture. If the projected cost savings are

Deleting the cigarette test for covers would appear to be a good idea if the retained match test will catch all the dangerous goods. I was under the impression that there are some cover materials which are capable of passing the current match test but fail the current cigarette test. I accept that numbers of type of covers, including leather, might be small.

I accept it is more realistic to test the actual cover and filling materials as a composite but this may mean that more testing will have to be conducted so the results are valid for the many hundreds or even thousands of cover and filling combinations. Removing the test using non CMHR foam removes the worst case scenario which some people have valued for its wide acceptance and the benefits it has given to industry in minimising the testing of a large number of cover and filling combinations.

The significant margin of safety offered by the current match test and the use of non CMHR foam has been to the benefit of the consumer in terms of safety. In particular this enhanced level of safety has proved to be of great benefit when furniture products are at greatest risk in such places as extremely low income households, multiple occupancy households, rented accommodation, homes where little care is taken over dropping ignition sources or where people drink and smoke, fall asleep in chairs or where second hand furniture is found. These risky scenarios will not have diminished and I am concerned that the level of fire safety might be diminished with these proposals.

Following the example of BS EN 7176 would be good. This standard includes both a cigarette and a match ignition test over the actual fillings used. EN 7176 is accepted in Europe.

It would be comforting to know that the enforcement bodies, TSO's, might step up their measures if these proposals go through so that the situation can be monitored. I doubt this will happen.

The problem of the Schedule 3 interliner remains. It is well known that this material is heavily loaded with FR chemicals and producers demonstrate that samples can pass the test. When it comes to production runs, every test centre will tell you that 95 % or more of samples fail due to insufficient fire resistance in the material. This is because producers cut back far too much on chemicals to save money. The test using Ignition Source 5 and a non CMHR foam in attempt to demonstrate robustness. This is, of course, is the principle behind the current match test and the reason why non CMHR foam was used. The current match test was never intended to replicate typical cover and filling composites in furniture. Non CMHR foam was used to see if matches would ignite or burn the covers. Schedule 3 interliners will still need high levels of fire resistant chemicals if they are to be effective in the tests and in use. The health and environmental impact of these chemicals needs recognising.

The proposals will make the regulations more complicated and the risk of people ignoring some of the new parts is huge. If this happens the enhanced fire safety aspect of the regulations will not be delivered. The concept of pre certified materials is unworkable. The concept of testing the top 40mm of un regulated materials, inclusions, fillings and covers is a good one in theory but it is unlikely to be understood and will be a complication that will be avoided by most suppliers if they can get away with it.

The potential use of flame resistant barriers between the cover and filling have some potential. Effective barriers have been sought and tried for many years. Whilst effective flame or heat barriers can be found it has been experienced that many of them are not resilient or flexible

ones are found often their flame resistance is low. They can be expensive which will have cost implication for producers. However research should continue to find effective and durable barriers.

Jo Swinson says the new test will remove a current, unforeseen, testing anomaly that means some fabrics which pass under test conditions may be ignitable in the finished product. How is this being addressed in the proposed changes to the regulations? To some extent this is described in para 35, but have we seen the evidence of the failures in service? How were these failures determined as there is no test for complete items of furniture? Further evidence and explanations are needed or this aspect will be open to further criticism.

**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: Paras 19 to 22 set out the current situation with regard to the effects of FR agents and the way that Europe feel about anything that is perceived as a trade barrier. In an ideal situation I cannot accept that because of this it means there is a need to change the match test. If the level of fire safety currently enjoyed with the match test can be reduced from a wholly safety point of view and this extra risk tolerated then the match test can be altered. To change the current match test for non safety reasons and to satisfy green or cost issues is wrong as a first priority.

In para 22 you say that The Commission has recently indicated strongly that it will not make any more efforts to raise EU standards while the issue of FRs in furniture remains contentious. I find it difficult to believe that if the EU was really keen on raising standards it would have to wait for the UK to use less chemicals. I don't believe that other European countries or the EU have any intention of raising standards.

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

A ☐ Yes ☐ No ☒ Not sure

Comments: As a reasonable compromise the exemption from the cigarette test for any fabric which passes the match test is probably viable and acceptable in the majority of instances. However I would prefer to see evidence of this via some extensive trials.

Exemption from the cigarette test for any fabric which passes the match test is probably acceptable for 90 % of cases. But what about the minority of cases where it is not suitable?

Removal of the cigarette test for invisible linings is viable and should be deleted.

Regulation of lining fabrics which are directly behind the visible cover by incorporation into the new visible covers test is an excellent idea but this is probably too confusing and too complicated for many suppliers to understand and the test will not be very

combinations of cover and lining fabric will have to be tested? If so that means a great deal of testing which may negate the cost savings elsewhere.

Requirement to test currently unregulated materials within 40mm of the surface of the product via a modified version of the match test is another good idea. Is there an implication here that all combinations of cover and lining fabric will have to be tested? If so that means a great deal of testing which may negate the cost savings elsewhere. This sounds like a complicated scenario and many people will fail to understand it or grasp the significance of the test for their products. It will probably be ignored if they can get away with it.

Covers that meet the requirements using Filling 2 can be taken as also meeting the requirements using Filling 1 is viable.

However, the provision for covers that fail when tested over Filling 2 may be tested over Filling 1 provided that in the final product the cover material will be directly over foam is too complicated for suppliers and retailers to understand. It will be misunderstood.

Suppliers, manufacturers and retailers will not understand the proposed requirement where covers that will be used over any other filling than foam, or used where no filling is present will require testing over Filling 2. It is a good idea for them to be tested for compliance. The current regulations say/mean that anything under a cover is a filling and must be tested as a filling. This is often impossible for some materials as they are too thin.

Pre certifying materials has significant difficulties of identification, type, composition, thickness source, etc. Who will keep the definitive list? Who will update it? How will a supplier or a retailer identify a material he has in his hand or that is found in the furniture and relate that to the list? Generic definitions of materials will be open to abuse and many individual materials will be difficult to define and identify on the list of approved materials. How will certification be carried out? What is the life of a certificate – is one certificate for each batch or each supplier or one for life sufficient? There are significant opportunities for misuse and abuse of this part of the proposal. It stands a good chance of being ignored. How will it be enforced?

It is proposed that any materials which are placed under a standard material (cover fabric, lining fabric or other components) which passes the relevant test and which does not form a hole will be exempt. How will a hole be defined and measured. This is very difficult and variable results might be obtained from subsequent tests. A permitted rectangular hole would be 1.4mm x 1.4mm and a permitted round hole would be 1.8mm in diameter. Holes are never round or square and an irregular shape enclosing 2mm squared would be impossible to measure where the edges of the hole are charred or frayed. The challenges for accurate and repeatable testing are too great to be useful.

I do not agree with the findings expressed in para 36. Suppliers are being totally wrong or misled if they think there is a margin where reasonable doubt can be applied to alter failures into passes. There are always clear results.... Passes or fails. There is no need to address the so called sensitivity. There are materials which when tested several times might produce different results which demonstrates unacceptable variability in the treatments. That is a different matter to what is described in para 36.



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

Comments:

The proposed pre certification of un regulated materials is not workable. Currently un regulated materials are used and, by default they are classed as fillings in the regulations as they are not covers and are under the cover. So in theory they should comply with the tests for fillings. This is not possible in many cases due to their small thickness. If other flammability tests could be found which were equal to the filling tests but could cope with the small thicknesses this would be ideal. Un regulated materials that are buried deeply in the upholstery pose a very low risk to ignition sources although they may provide fuel to a fire that has already partially consumed a product. Un regulated material in the top 40 to 45 mm of the upholstery should be tested. They could be tested if they were incorporated into specimens that replicate the top layers with the cover and then be tested (match and cigarette) in the same way that actual fillings and covers are tested in BS EN 1021-1 and -2 etc as specified in BS EN 7176.

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

A ☐ Yes ☐ No ☒ Not sure

Comments: Some aspects of the proposals are very complicated and will confuse a lot of suppliers. Others will ignore the detail. Some of the cost benefits look doubtful.

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

Comments: No comment.

**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
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	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: No comment

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?

Ideally a new test for complete items needs developing and correlating with the specimen tests as currently defined in the schedules. This is a huge undertaking but would make compliance testing much easier.

**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

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