

**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:

Kent Fire and Rescue Service

The Godlands, Straw Mill Hill, Tovil,
Maidstone, Kent ME15 6XB

Redacted

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
	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): Fire and Rescue Service

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:

Yes, a testing requirement which provides for testing of products as actually manufactured appears to offer a solution avoiding the addition of unnecessary chemicals, thus reducing harmful or expensive disposal.

The proposal also appears to provide a testing requirement which ensures that furnishings which pass the revised test are at least equally fire safe as those currently manufactured.

It does appear from the consultation document that the proposal will meet the aims of making UK furniture greener and more fire safe while saving money.

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:

The business case within the paragraphs sets out clearly the need to change the current match test in order to influence a reduction in the quantity and impact of the use of harmful brominated fire resistant chemicals. The proposed new test also takes a pragmatic approach to testing, particularly in relation to the use of combustion modified foam.

The case for potential change to safe disposal requires a proactive approach to ensure the reduction of articles requiring specialist disposal is controlled at manufacture.

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

A ☒ Yes ☐ No ☐ Not sure

Comments:

The proposal to use combustion modified foam elements, as required in the regulations, and the use of specified underlining materials appears viable and to meet the objective of reducing BFR's.

The inclusion of the testing of materials inserted within 40mm of the surface is also a proactive measure to limit the use of cheap and potentially hazardous 'filler' materials.

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

Comments:

This is a proactive arrangement to ensure furniture manufacturing does not include hazardous non-fire safe materials as an economy measure or part of an unsafe design criterion. We welcome the inclusion of this test as it will lead to furniture which is more fire safe and help prevent the use of poor quality alternatives which are likely to present a greater fire risk.

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

A ☒ Yes ☐ No ☐ Not sure

Comments:

Generally Yes, but clarification added below

Greener UK furniture will be available sooner: the proposal appears to provide tangible benefits to address the growing public health and environmental concerns.

Cost savings: whilst the document sets out significant savings, which are to be welcomed, as a local Fire Authority we are unable to comment on the accuracy of the estimate.

European flammability provisions: The proposal appears to offer an opportunity to break down EU trade barriers and align flammability standards yet maintain adequate safety.

Inclusion of currently unregulated materials: This appears to be an essential aspect of the proposal to ensure manufactures are not exploiting loopholes in regulations. The benefits should be one of ensuring manufacturing process does not allow for less fire safe products coming onto the UK market.

Correcting unforeseen failures under the current match test: This would appear to address the changes in composition of covering materials created since the introduction of the FFR's

Preventing insufficiently chemically treated products getting into UK homes: By encouraging the use of materials less reliant on chemical treatments this objective would appear to be achieved.

Disposal of products containing hazardous waste: The requirement for safe disposal appears to be achievable if less harmful chemicals are used during manufacture; the long term benefits of disposal costs and industry concerns appears to be supported by the proposed changes.

Encouragement of new flame retardant technologies: This would appear a long term objective, however it requires that industry grasps the opportunity for innovation and product placement to meet regulations by cost effective means that will satisfy the goal of totally removing all chemical treatments.

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

Comments:

The reasons for changes appears to be sound and rational ones based on competing pressures from industry, the need to protect public health and environment and harmonise fire safety standards in Europe. Without the proposed changes it is unlikely the industry would make the relevant changes because of market competition and the need to meet the FFRs as originally drafted.

The amendments are being brought forward at an appropriate time to address the concerns identified and to restore confidence that the FFR's are suitable for modern furnishing designs and safety requirements.

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:

The consultation is welcome amongst the Fire and Rescue Service 'family' as it appears to react to many recent concerns regarding the placement of unsuitable furnishings into the supply chain within the UK. The actual control and limiting of 'dangerous' furnishings is somewhat more difficult with fake and unregulated articles being reported within the media' the regulation and control of unsafe imports should be addressed.

Has consideration been given to more sophisticated labelling and tagging system to provide consumer confidence and also act as a reliable identifier following fire incidents?

Perhaps a metallic or other indestructible tag which would reliably identify the article consumed within the fire to aid investigations and provides reliable data of improvements over previous un-tagged articles?

KFRS Administration note:

The additional impact assessment questions below are not included as these are manufacturing industry related

Return required by 7th October 2014

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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