



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 7th 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): Harrison Spinks
Address: Westland Road, Leeds, LS11 5SN

Please return completed forms to:
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1 Victoria Street
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Telephone: 020 7215 5576
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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 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)
<input 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:

The issue with chemical flame retardants has been identified by BIS but the document does not appear to enable the nursery industry to make any significant reductions. A major use of flame retardants is in the PU foam. In nursery products such as wheeled goods and child restraints, there are also insufficient quantities of the PU foam to extinguish the flame. The cover therefore will continue to be used as a barrier and therefore the use of chemicals cannot be reduced and no saving can be achieved. Any potential cost saving in reduced chemical usage and reduced testing fees is likely to be overwhelmed by additional chemicals used to coat components/materials within the 40mm zone and additional tests required of these items. Suppliers/Manufacturers have not been given sufficient time to calculate cost impact on their products.

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:

There is an argument for reducing FR chemicals but the arguments for modifying the match test are lacking. Furthermore all considerations have been designed around 'furniture' (such as sofas) in spite of representations that most nursery products are different in construction; such as infant car seats and pushchairs/strollers.

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

A ☐ Yes ☐ No ☒ Not sure

Comments:

There is not enough details in the consultation document to determine if the changes are viable. Without the text as written in the regulation industry, suppliers and test houses cannot analyse the impact, as definitions and official interpretations of the regulation are vital for the determination of how a product needs to comply. For example the second point under paragraph 25 states; ... (however, this does not include laminated or quilted fabrics over a very thin layer of foam). How thin is 'a very thin layer of foam'?

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

Comments:

It is unclear for us what the precise scope is of the unregulated materials as paragraph 27 is headed 'Inclusion of currently unregulated materials within 40mm of the outer cover within the upholstery composite' and Annex 4 explains that it concerns "easily ignitable materials which may sit between the cover fabric and the foam fillings". This means that any unregulated material outside of the upholstery composite (but within 40mm of the cover) is out of scope. However, the heading of Annex 2 refers to unregulated materials 'within 40mm of the cover' which is fundamentally different.

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

A ☐ Yes ☐ No ☒ Not sure

Comments:

The cost saving is based on a false assumption; there is no direct correlation between percentage reduction in chemicals used to final cost savings. As stated previously, chemical usage is likely to increase to treat items within the 40mm access zone.

Furthermore, as test houses are run as businesses, it is reasonable to assume they will likely increase testing charges in other areas to compensate for lost revenue. Current FR testing costs in the region of £45-£50 so there is now an additional burden of £300-£400 per product to have an item assessed and multiple materials/fabrics tested to the proposed amendment.

The cost of familiarising staff with the new legislation has been underestimated. A day's training course for multiple staff is required. This will not only impact UK companies but all international companies supplying items within the scope of the Regulation into the UK.

If the estimate in cost savings includes the estimate provided by the nursery industry, a significant proportion of this can be deducted as there is likely to be little saving accrued here.

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

Comments:

There is good intention to reduce chemicals and costs but this will not be achieved.

Suppliers have not been given sufficient time to analyse the impact this may have on nursery products. For example, within the nursery industry, numerous fabrics are used each of which is purchased in different g/m's depending on the intended use of the fabric. Each combination of fabric and weight will require lab 'dipping' to establish if the current level of FR chemicals used can be reduced. This will result in a significant increase in lab 'dipping'. Typically 30 standard fabrics, 10 different weights with 5 different reductions in FR chemical level; i.e. $30 \times 10 \times 5 = 1500$ lab dips per manufacturer. This is hugely expensive and time consuming to industry. This is assuming that a manufacturer can find a mill to conduct these dips as it is increasingly difficult.

Industry does not believe this will save money and may actually burden industry with additional costs.

There is a precedent in the current Regulations for making an exclusion; the cigarette and match test only applies to the fillings of cushions and it is believed this could be applied to nursery products such as wheeled goods and child restraints.

It does not make sense to use the EU as a stumbling block and reason for change as this is a UK Regulation and one that is not supported in Europe due to the extensive use need of flame-retardants to be able to meet the requirements.

Furthermore, the timing of the introduction of the new match test is believed to be politically driven in time for the election next year.

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			3		
Range of options wide enough					1
Preferred options well chosen					1

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

Comments:

Comments: The statement that 'on the whole' the chemicals used in foam fillings are considered benign is not correct. There are a number of 'suspect' phosphate flame retardants in foam – TCEP being one. There will be no reduction of flame retardant chemicals in the foam and with nursery products. This is generally what is subjected to repeated washing and will have an effect on the environment. Currently chemicals that have limited durability are used as these are the most cost effective. It is possible to use more durable chemicals but these are much more expensive and will lead to an increase in cost to both industry and the consumer. It is also unlikely that the low-cost manufacturers primarily from Asia will opt for more expensive and durable chemicals.

No consideration has been given to the risk of injury to a child in a motor accident against the risk to a child in a fire when including child restraints in the scope of the Regulations. With increased cost to manufacturers and ultimately the consumer, the second hand market will continue to expand and the safety of these products cannot be guaranteed nor the appropriateness to the vehicle in which it is used, etc.

Option 2 under Annex 7 is believed to be fundamentally flawed, will increase costs significantly and increase the use of chemicals within the 40mm zone.

Limited testing has been conducted to the new match test to properly evaluate claims made in the document.

New technologies (laser surface treatments) may become viable in a few years but there is no such thing as 'inherently flame-resistant' fabric. To make this fabric flame resistant, you treat the fibres with chemicals during manufacture of the fabric. Antimony or phosphates are the normal additives.

The statement made concerning how positively the draft proposal has been received (Annex 7, 3.3) is overstated and understates the concerns raised.

The statement 'the new test reduces the cost of meeting safety requirements to ensure furniture is fire resistant' (Annex 7, 4.1) is believed to be a false statement.

These proposed changes, which have not been seen fully until the publication of the Consultation document (although still not in entirety) are now being rushed which does not allow for proper analysis by manufacturers and suppliers (cost saving and test results).

Under Annex 7 paragraph 5.6, the premise used to calculate a cost reduction is false. Suppliers need more time to assess the situation properly.

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?

Difficult to quantify for our business. Any change will no doubt cost money. The cost of R&D is also a big factor as we will have to change all our specifications before testing begins.

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

It is too late in the consultation process to provide a thorough response disappointingly. We would like more time to consider this reponse, but understand if it is too late.

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

R&D costs as mentioned in Q1. These are unquantifiable as this stage, but will be significant as total re-designs may be called for.

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?

Nether agree or disagree.

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?

We conduct tests internally so cost savings will be minimal. We typically test new designs via a UKAS lab, but raw material batch testing is conducted internally.

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

I cannot envisage a saving being easy as the materials required to pass the test standard are more expensive.

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

I am not expert in this area. Consultation with experts from different test houses 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?

No comment.

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

No as new fabric technology needs to be employed at a greater cost. I think cost savings will be difficult to achieve if at all. I do not have evidence as I have not invested in the R&D to develop new fabrics.

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

No comment

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

No 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.

No comment

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

No comment as impossible to quantify.

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 ☐ X

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?

X ☐ Yes

☐ No

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