

## **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: Welbeck House Limited

Organisation (if applicable):

Address: Unit D Long Eaton Industrial Estate, Fields Farm Road, Long Eaton, Nottingham NG10 3FZ.

Please return completed forms to:

Terry Edge

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BIS

1 Victoria Street

London SW1 0ET

Telephone: 020 7215 5576

email: [terry.edge@bis.gsi.gov.uk](mailto:terry.edge@bis.gsi.gov.uk)

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

	<b>Organisation type</b>
<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
	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:

Manufacturers will not be able to manage two different grades of FR on each fabric so the worst case scenario will be to test over filling 2 – FR foam/fibre wrap. By taking into account the findings in the tests carried out by FIRA to see what percentage of FR chemical is required to pass test Filling 2 – FR foam/fibre wrap, it shows that more FR chemicals may have to be applied to achieve a pass, not a reduction, which is one of the aims of this proposal. Therefore UK furniture may not be 'greener'. As a consequence of this there will be very little cost saving; if anything, in some cases there will be an increase in costs.

It was also mentioned at the FIRA presentation on 22/09/14 that BIS had originally assumed cost saving of £50m but have now reduced this to £12m.

Also there will be increased costs to manufacturers in changing internal components to pass the 40mm test, which will inevitably feed through to retail prices.

Applying less FR chemicals to upholstery fabric will not make it a safer product and in some cases due to manufacturers having to add further lining barrier cloths or using FR regulated components, will add further costs to industry.

**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: What evidence has BIS got to back up their assertion that UK consumers are concerned about the use of FR & BFR chemicals in UK furniture? Quite the opposite might happen when consumers get to know about a proposed reduction of fire protection in UK upholstered furniture – the consumer might feel that the furniture they are buying is less safe than it is now.

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

A            ☐ Yes                      x No                      ☐ Not sure

Comments: The proposed changes will not be any more successful or manageable than they are now in fact it will be more complicated. This is partly due to the proposal of testing unregulated materials within 40mm of the surface of the product. How will Trading Standards be able to manage/control/monitor/enforce the regulations unless they remove upholstered furniture from shop floors and have them stripped down and test each component – are they really going to do this? No, because the monetary costs would be too high. At present all they have to monitor is the fabric and fillings which they ask the manufacturer for FR certification. With this proposal, certification will be required for many other components.

Where is the research to justify the 90g/M<sup>2</sup> lining/non-woven material rule, or the 2mm burnhole rule, or the 40mm rule? These appear to have been decided upon purely arbitrarily by Steve Owen.

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

Comments: The inclusion of testing unregulated materials adds complications to the production process of upholstered furniture, which will incur higher costs to the consumer. In our situation a consumer can choose to have any outer covering material on any shape of furniture. Bearing this in mind, if an outer cover passes filling 2 test and burns without forming a hole, it is classed as a protective cover and can be used with unregulated materials within 40mm of the surface. Fabrics that pass but form a hole means that we will have to add a protective cover over the components within 40mm of the surface. To monitor this through our production process will add complexity and cost to our planning and production process. So, to ensure compliance we would assume "worst case scenario" and always test over filling 2, and assume all internal materials need to be compliant. Alternatively, we would have to use a Schedule 3 interliner on all cushions, and in many other situations, to ensure conformity. This will add significant cost, and change the "sit" of the products, which may affect sales. Also, it would considerably reduce our output capability putting the business at risk.

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

A            ☐ Yes                      X No                      ☐ Not sure

Comments: BIS are proposing the changes to the FFR's with best intentions. But what BIS is not taking into account is the negative impact on suppliers, fabric coaters and upholstery manufacturers.

We do not believe that furniture will be "greener". We are advised that probably all our fabric will need more FR to pass the Filling 2 test.

There are cost implications so furniture will be more expensive, not cheaper.

We are concerned about the removal of the cigarette test making testing less severe, as there will be no control over smouldering and release of toxic fumes within the new testing regime, which has been the subject of concern regarding electrical chargers.

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

Comments: BIS are obviously trying to appease EU standards to increase trade, but why should UK furniture be made less safe than it is now by trying to reduce the FR treatment on the outer covering? They are now assuming that there will only be a saving of £12m instead of £50m, so is there any justification in putting these proposals forward? The EU has always opposed adopting the UK's higher standards; the issue of the BFR's is a "red herring" to justify them still not adopting our standards.

**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	<input checked="" type="checkbox"/>				
Range of options wide enough	<input checked="" type="checkbox"/>				
Preferred options well chosen					<input checked="" type="checkbox"/>

**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?

Included in charges from treatment houses.

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

No.

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

Refer to answers to Main Questions 1-6.

**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?

Yes.

Note: Implementation will take much longer than anticipated, in our view, minimum of 2 years.

**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?

Not known. As in Q1 above.

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

We believe that there will be increased costs. As we offer all our ranges in all of our fabrics, we will have to assume "worst case scenario" at all times as a result of which all of the 70,000 pieces of furniture we make per annum will have to assume all fabrics fail the 2mm rule meaning all internal components will have to pass the 40mm rule. Anything other than this would be unmanageable.

Also, we are told by our treatment supplier that, as the Filling 2 test is "almost equal in severity" to the current test, savings on FR are unlikely. It seems to me that the only admissible evidence on the volume of chemical being used to treat fabric should come from the treatment houses, not a series of vague numbers and statistics sourced from various bodies. From this information, the savings have been estimated at £3.55m, not £19m-£55m.

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

We are not experts on FR applications.

**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, and no.

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

Not at all. Assumptions in Table 5 are fundamentally flawed. Metres per item is vastly over-stated at 12m, it is much closer to 8m, so the 65,576m metres is more like 43,717m metres, ie: overstated by 50%!! Companies making furniture at 12m per piece average are likely to be high-priced goods and use an FR interliner.

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

Costs of re-developing furniture to meet the 40mm rule, sourcing new products.

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

No, in our opinion.

**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.

Irrelevant, Option 4 is a non-starter.

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

No.

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?

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