2016-016 BRC.

Department for
Business, Energy
& Industrial Strategy

Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations (FFRs) response form

The consultation is available at: www.gov.uk/government/consultations/furniture-and-furnishing-fire-safety-regulations-proposed-changes-2016

The closing date for responses is **11 November 2016**.

The form can be submitted by email to: furniture.consultation2016@bis.gsi.gov.uk or submitted by letter to:

Christine Knox
Regulatory Delivery
Department for Business, Energy and Industrial Strategy
Second Floor
1 Victoria Street
London
SW1H 0ET

Please be aware that we intend to publish all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the section on confidentiality and data protection on page 7 of the consultation for further information.

If you want information, including personal data, that you provide to be treated in confidence, please explain to us what information you would like to be treated as confidential and why you regard the information as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: Click here to enter text.

Questions

Name: Click here to enter text.
Organisation (if applicable): British Retail Consortium
Address: Click here to enter text.

	Respondent type
☒	Business representative organisation/trade body
☐	Central government
☐	Charity or social enterprise
☐	Individual
☐	Test House
☐	Manufacturer
☐	Retailer
☐	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)

Questions on scope

Q1 Do you agree with the revised definition of the Regulation's scope?

☒ Yes ☐ No ☐ Not sure

Comments: The new scope is considered a positive step

Q2 Do you agree with the proposals relating to sleeping bags and mattress protectors (i.e. those which can be put in a washing machine are explicitly removed from scope and do not have to meet the requirements of the regulations)?

☒ Yes ☐ No ☐ Not sure

Comments: Agree that all sleeping bags should be excluded.
Definitions in the draft regulation are not clear.
The definition of a mattress topper needed to be improved, suggested text "used for hygiene purposes that can be fitted into a domestic washing machine".
Domestic washing machine would need a definition as drum size might be an issue.
Definition for the thickness of a topper would be required. Details of current practice will be supplied separately.

Q3 Do you agree with the proposals relating to cushions and seat pads (i.e. that they remain excluded from cover tests but the definition of these products to be specified more clearly)?

☒ Yes ☐ No ☐ Not sure

Comments: Further work required to provide clear unambiguous definition.
Suggestion for a single size requirement for both seat pad / scatter cushion 60 cm x 60 cm square when laid flat.

Q4 Do you agree with the proposals relating to outdoor furniture (i.e. that outdoor furniture unsuitable for use inside the home, and clearly labelled as not complying with the Regulations) should be out of scope?

☐ Yes ☒ No ☐ Not sure

Comments: Whilst we agree with the principle that outdoor furniture should be excluded there are issues with the proposed definition and its ambiguities.
Labelling should not be allowed to be used to abstain from safety testing. Only those products not suitable to be used in a dwelling must be marked as such, under the

proposed revised text a product suitable for a dwelling could be excluded if it were labelled "For Outdoor Use Only" and this would be a retrograde step from a safety point of view.
The text should be able to be read in such a way that the item can definitely **not** be used in the home **and** is clearly marked. The existing wording is preferred to the proposed text.

Q5 Do you agree with the proposals relating to baby products (i.e. that items covered by covered by BS EN1888 (wheeled child conveyances) and BS EN1466 (carry cots and stands) are removed from scope, with padded playpens treated in the same way as mattresses)?

☒ Yes ☐ No ☐ Not sure

Comments: This is a positive step.
These products now had their own safety standards and did not belong in this regulation.
We also agree with the exclusion of children's car seats as noted in the draft regulation but not in the consultation document.

Q6 Do you agree with the proposed treatment of second-hand products (i.e. that they would be required to bear the relevant permanent label)?

☒ Yes ☐ No ☐ Not sure

Comments: The requirement for second hand furniture to have the permanent label affixed is considered a good thing.
It is understood to be standard practice that sellers will only accept furniture for sale that is accompanied by the permanent label attached.
There could be issues with Scatter cushions that often have their labels cut off.
There is the difficulty of traceability with recalled products being sold second hand

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: A single filling option was required and the removal of filling 1 (CMHR foam only) was agreed.

Q8 Do you agree that the specifications set out in the draft Regulations for the test foam and fibre wrap are sufficient to achieve the objectives of the Regulations?

☐ Yes ☒ No ☐ Not sure

Comments: Whatever the decision there must be no reduction in safety (use of non-flammable foam) and those changes proposed were unproven to deliver this.
The foam could be simplified, however as written it references a schedule 1 part 1 foam, schedule 1 is revocated. There is a concern that the fibre wrap has not been specified fully, some form of density specification or fibre diameter should be stated. The specification in the draft regulation references a Schedule 2 part 1 compliant foam. Note that Schedule 2 is now the cigarette test. It might be easier to leave the schedules alone.
The proposed changes are likely to lead to less innovation.
More interlinings = more chemicals

Q9a Do you agree that the regulations should provide a protective cover option?

☒ Yes ☐ No ☒ Not sure

Comments: Whilst we agree this would be the simplest route to compliance, it is not favoured.

Q9b If yes, do you agree with our proposed definition of protectiveness?

☐ Yes ☒ No ☐ Not sure

Comments: There is no support for this it was felt that it would be difficult to measure, expensive to produce and may well lead to more use of flame retardants. It was felt the original test was simpler and better defined a cover fabric.

Q10 Do you agree with the proposed requirements for components close to the cover?

☐ Yes ☒ No ☐ Not sure

Comments: There was no support for this.
Far too complicated and not well defined
Testing would be expensive and minor components not currently tested would get sucked in for testing.
If this was to be introduced there would be support for the need of an exclusion list of products that wouldn't require testing.

Q11 Do you agree that there is no need for the cigarette test for covers that pass the revised match test?

☐ Yes ☐ No ☒ Not sure

Comments: The general consensus is that both tests may still required as they assessed different parameters.
There are a small number of fabric blends and leather that pass the match test but fail the cigarette test, these are estimated to be less than 1% of all fabrics used.
It is suggested that any change needed supporting data

For business respondents:

Q12 Which of the routes to compliance do you expect to follow for most of your products?

☐ Schedule 3 interliner ☐ Protective cover

☐ Non-protective cover + compliant components ☒ Not sure

Comments: This question is not possible to answer. A manufacturer may use a selection of fabrics, fillings and support mechanisms on different styles of furniture and this may lead them down a different route to compliance.
The schedule 3 interliner route allows the use of any fabric, but significantly adds to the cost as effectively the covers have to be made twice (once with the interliner and once with the cover fabric). Also this would increase the use of fire retardants on the interliner itself.
The protective cover route would be the closest to the current situation, but it is believed that the variability in the test and the additional test costs may make this a less favoured option.
The non-protective cover and compliant components is still a relatively unknown quantity. We know that there may be issues with components such as zips and webbing not satisfying the test.

Q13a What do you expect the impact of the testing proposals to be on your use of flame retardants in covers?

☐ Increase ☐ Decrease ☐ No change ☐ Not sure

Comments: It is not possible to say with any certainty that the use of flame retardants would change. Consensus is that it would almost certainly not decrease and may actually even add more FR's and therefore more cost

Q13b What do you expect the impact of the testing proposals to be on your overall use of flame retardants?

☒ Increase ☐ Decrease ☐ No change ☐ Not sure

Comments: It it believed that that the proposed regulations would result in an overall increase in the use of FR's.
The BRC has been requested to provide data to demonstrate any increase in costings from current to proposed regulations. Any data will be provided separately

Questions on traceability and enforcement

Q14 Do you agree with the product record/technical file requirements for manufacturers and importers?

☒ Yes ☐ No ☐ Not sure

Comments: BRC members believe that the manufacturer should be as defined in the new approach directives. Any person putting their name, logo or own branding on a product becomes the manufacturer.
The introduction of a technical file was not considered to be an issue as most members of own brand would have a technical file anyway in order to comply with other existing legislation.

Q15a Do you agree with the requirements for the single permanent label, and the proposal to remove the requirement for additional display labels?

☒ Yes ☐ No ☐ Not sure

Comments: There is full support for this
BRC members believe that the manufacturer should be as defined in the new approach directives. Any person putting their name, logo or own branding on a product becomes the manufacturer

Q15b What do you think is the most effective means of conveying the use of flame retardants in the cover of this product eg by text, symbol?

Comments: Text is the preferred method.
There should be agreed wording to ensure consistent labelling
We believe that the label should be used to convey the presence of FR's used anywhere in the article and not just the cover

Other questions on the proposals

Q16 Do you agree that a 24 month transition period is sufficient, and that the changes should be reviewed in five years?

☐ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

Q17 Do you have any other comments on the proposals or draft regulations?

☐ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

Questions on the Impact Assessment

Q18 Do you agree with our estimate of traceability time in the Impact Assessment – ie one-off input of 16 hours per firm and ongoing per year time of 48 hours per firm? If not can you provide additional evidence to support your answer?

☐ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

Q19 How much do you estimate you would save per year from the removal of the cigarette test?

Amount saved: Click here to enter text.

☐ Nothing ☐ Not sure

Q20 How much do you estimate you would save per year from reduced use of flame retardants?

Amount saved: Click here to enter text.

☐ Nothing ☐ Not sure

Q21 Are you aware of any further costs or benefits we have not identified in the impact assessment? Please support with any evidence you have.

☐ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

Q22 To what extent do you agree that, overall, these proposals represent a reasonable compromise – bearing in mind the information in this consultation document, feedback on the previous (2014) consultation, and other stakeholder input during the review?

☐ Strongly Agree ☐ Agree ☐ Not sure ☐ Disagree ☐ Strongly Disagree

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 BEIS 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

BEIS/16/11/RF