2016-079 Mattel

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: [redacted]
Organisation (if applicable): Mattel UK Limited
Address: Vanwall Business Park, Vanwall Road, Maidenhead, Berkshire, SL6 4UB

	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: Excluding some child care articles is a very good step forward. However I am unsure what is meant in 3b 'and other article of a like nature and use designed to contain a baby or small child', would a bouncer seat or swing seat fall in this definition? If not, I do not agree with the scope. The standards of these products require the caregiver not to leave the child unattended. Adding flame retardants to such products will only make the product more unsafe.

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: Click here to enter text.

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: Click here to enter text.

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: Click here to enter 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: Completely agree to remove products covered by BS EN 1888 and BS EN 1466 from the scope. It should be clarified that swings, reclined cradles, cribs, travel cots and high chairs should be treated the same way as playpens.

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: Click here to enter text.

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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: Click here to enter text.

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

☒ Yes ☐ No ☐ Not sure

Comments: but only as an option, there should be other solutions as well.

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

☒ Yes ☐ No ☐ Not sure

Comments: Click here to enter text.

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

☐ Yes ☐ No ☒ Not sure

Comments: The draft regulations states in the definition '… a material inside the furniture and within 40 mm of the cover …' while the document called 'proposed changes consultation document' speaks about '… within (i.e. inside) 40mm of the visible cover and in the filling..' The latter sentence makes it more clear it are only the components within the cover, while the first states within the furniture, which is a wider definition. Please change in the draft regulation the word 'furniture' into 'cover'.

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: Click here to enter text.

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: Click here to enter text.

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: Depends if the afore mentioned child care articles are in the same regime as playpens.

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: Click here to enter text.

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: Although we as a manufacturer are used to keep a technical file for our products, the requirements set out in the draft regulation are not in line with any of the known documentation we need to keep record of. The requirements laid out in regulation 19 disproportionate. E.g. keep the date on which the article was manufactured; all products have a date code/batch code to trace back the manufacturing date. But that is different than to update the technical file every time there is new production of the item. Or would you accept invoices as to show the date of bringing into the market instead of manufacturing? Regarding 19e would the Bill of Material as laid out in the Toy Safety Directive be sufficient? It should also be made clear who is entitled to ask for the technical file. Since this file has confidential information this should only be made available to authorities, not to downstream users i.e. retail, consumers.

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: The requirement to have the information of the label 'in order' is unreasonable. The requirements in itself are acceptable, but the order does not raise safety and is inflexible. In addition it should not make a difference if the furniture is labelled or the cover, both should be acceptable. The necessity to declare that the article complies with the regulation is excessive. Off course it complies, otherwise it is illegal to sell. Don't understand who needs such information.

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: Developing understandable symbols is very hard and this is even harder for complicated messages. Therefor text is preferable in this case.

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: a definition for the word 'interliner' would be helpful. In this regulation when the word interliner is used, it only means the schedule 3 interliner. While in daily speak an interliner could be any piece of thin fabric.

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