2016-076 London TS

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): London Trading Standards

Address: c/o Enfield Trading Standards, PO Box 57 Civic Centre, Enfield EN1 3XH

	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 regulations seek to control furniture *and* other items which are not normally regarded as furniture. In order to include those other items, 'furniture' is defined in these and the 1988 regulations as including those other items. Unfortunately, the draughtsman of these regulations has forgotten this when he wrote out the exclusions because he has tried to exclude items that weren't included in the first place, in particular 'prams, pushchairs and car seats' 'floor coverings', 'sleeping bags' and 'mattress protectors that can be washed'. These items are not furniture and are not listed under the definition of furniture and therefore would not have been in scope anyway. They should therefore not be mentioned in a list of exclusions. *[Paragraph]* This is important because: (1) The mention of these items under 'exclusion' has created confusion, for if 'mattress protectors that can be washed' are excluded, where does that leave mattress protectors that can't be washed? They are not excluded, yet they weren't included in the first place as they are not furniture and are not listed under the definition of 'furniture'. (2) Furthermore, the exclusion of items that were not in scope anyway raises doubt about what *is* in scope, ie what other items do these regulations cover that are not normally considered furniture and are not listed in the definition of 'furniture'? *[Paragraph]* In my view, the draughtsman has excluded some of these items because they *were* included in the definition of furniture in the 1988 regulations. However, as I say, as they are not listed in the definition in these regulations they do not need to be excluded; indeed, excluding them raises doubts about what else is supposed to be included but is not specifically mentioned. *[Paragraph]* These exclusions should therefore be removed from the regulations and could, instead, be listed in guidance notes which could say 'For the avoidance of doubt, these items are not within the scope of the regulations.'

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: See answer to question 1 (these are not in scope in the first place, so there it no need to exclude them)

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: I agree with the proposals as far as they go but would want the label to be 'permanent' so that all *users* (including subsequent purchasers on the secondhand market) are advised that the furniture is unsafe indoors. It is not enough for only the purchaser to know only at the time of purchase.

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: See answer to question 1 (these are not in scope in the first place, so there it no need to exclude them)

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: Most emphatically!

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☐ Yes ☐ No ☐ Not sure

Comments: Not qualified to comment: not my field of expertise.

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: Not qualified to comment: not my field of expertise.

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

☐ Yes ☐ No ☐ Not sure

Comments: Not qualified to comment: not my field of expertise.

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

☐ Yes ☐ No ☐ Not sure

Comments: Not qualified to comment: not my field of expertise.

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

☐ Yes ☐ No ☐ Not sure

Comments: Not qualified to comment: not my field of expertise.

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: Not qualified to comment: not my field of expertise.

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: N/a

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: N/a

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: N/a

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:

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: Click here to enter text.

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: As the rest of the label is text-based, I think that this should also be text-based.

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: (1) In regulation 13(4), the word 'test' should read 'tested'. (2) Although, like the 1988 regulations, the offences are for supplying, and 'supply' is defined as 'offering to supply, agreeing to supply, exposing for supply and possessing for supply', these regulations do not control display-furniture where the seller alleges that the furniture is not going to be supplied to anyone – an allegation that it is impossible to refute. Inspectors are left in the position of being unable to take action in relation to any furniture in a shop if the trader has the foresight to make this allegation (he simply needs to say "it is not in possession for supply, it is in possession for display. We will supply one from our warehouse which *is* compliant') – enforcement officers have to make a test purchase or wait for a complaint from a purchaser (or prosecute in the hope that that the trader does not dream up this allegation). The opportunity should be taken to include within the scope of the regulations 'furniture on display' where 'display' is defined as 'on display to prospective purchasers in the course of a business.'

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: N/a

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

Amount saved: N/a

☐ Nothing ☐ Not sure

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

Amount saved: N/a

☐ 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: N/a

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