2016-092

Redacted

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
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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: , Technical and Compliance Manager
Organisation (if applicable): The Quality Furniture Company Ltd (QFC)
Address: Alma Park Road, Grantham, NG31 9SE

	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: Agree that the new definition scope provides a clearer guidance on what requires testing and what is excluded from 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: Not applicable

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: Agree that cushions and seat pads should be excluded from cover tests and that the definitions of these be made clearer. Clarity should be provided on the dimensions of these. The 60x60xthickness for cushions is different to the definite 30x30x1 for seat pads. It is unclear why the thickness can vary by having no definition for cushions but not for seat pads. To provide absolute clarity there should be one set of dimensions for all at 60x60 whether this is a cushion, scatter or seat pad.

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: Not applicable

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: Not applicable

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: QFC currently sell products (as part of our returns business) with an affixed permanent label either as new (direct from production line) or as second hand (returns from customers) so do agree with the proposed treatment of second-hand products (i.e. only sold if displaying the permanent label). We however have concerns over our ability to continue to re-sell products due to the changes in content of the permanent label due to the label changing requirements (changes to bear the retailer name as the manufacturer) (discussed further in Q15a and Q21).

Questions on testing

Q7 Do you agree to removing the Filling 1 option?

☐ Yes ☒ No ☐ Not sure

Comments: In today's production environment, final production pieces do generally have an FR foam and a fibre wrap. If the intent of this proposed change is to emulate production pieces, then the new requirements will satisfy. However, in terms of testing, there has been no clear guidance on the fibre wrap. The fibre wrap weight, FR compliance or tautness during testing have not been specified. With this additional component in place adding air between the foam and fabric we could see an increase in failed fabric leading to our inability to use fabric that previously would have passed testing. In reality the upholstered furniture protection will come from the FR foam that is in place. It should be noted that using this additional fibre wrap in testing could increase the amount of FR chemical used and testing costs.

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: As above, although the regulation are now changed to ensure tests are completed more in line with how production pieces are made, there is no evidence on what this will mean to fabric test results.

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

☐ Yes ☒ No ☐ Not sure

Comments: The protective cover option has been given however there is no testing evidence that this is workable given that hole formations are not consistent and could be difficult to measure. The test houses in use are also reporting concerns over how this will work in practice and be consistent. It is unlikely that this route would be taken because of this as then additional costs will be incurred when going for another option. If a more than 2mm squared hole was formed, then the FR foam would act as the protection against full ignition.

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

☐ Yes ☒ No ☐ Not sure

Comments: As above, the requirements that need to be met in order to be classified as protective may be non-workable and inconsistent during testing. The requirements state less than a 2mm squared hole but any holes that form are generally horizontal and not square. The test itself will cost more due to the increase in flame applications (4 out of 5 pass rate after 10 applications) and increase in the volume of fabric required for testing. If this route caused a fabric to fail then another route would need to be selected creating addition cost as well as time delays.

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

☐ Yes ☒ No ☐ Not sure

Comments:
1) the requirements for testing competent close to the cover is not clear enough on the 40mm within the cover i.e. normal or depressed format.
2) the testing doesn't clearly mention exact components to be tested or now doesn't include the exclusion list which could lead to components such as screws, staples and glue required for testing.

3) the testing method for these components can vary or be inconsistent amongst test houses as the requirements are not clear "material may be secured by any means suitable".
4) Sch5 Part3c requires ignition source to be 45mm above the lowest edge of the material which clearly doesn't take into account components such as screws, staples which are very small.
5) Sch5 Part3c requires testing to be complete on the face of the material closest to the exterior which adds additional complexity to manufacturers as this design detail will need to be provided to test houses and inconsistencies in securing these components to the rig (see point 3 above).
6) Sch5 Part 3a requires testing to be complete on components "of the same thickness as the material intended for use in the final article" which adds additional complexity to manufacturers as this design detail will need to be provided to test houses. Additionally, designs can change on final articles based on design feel and quality and retailer/customer requests making it unclear whether re testing is required for each minor spec change. In current testing regimes, pass test certificates can be used across products however in the new requirements if the component is in a slightly different position or different facing on a different product (even though the material is the same) this could require re testing and would be very difficult and costly to manage.
7) the requirements do not mention how often components need to be tested and can lead to varying opinions and approaches throughout the industry.
Overall, this option adds a higher level of complexity to compliance departments within manufacturing to obtain components for testing in its final article size, dimensions and facing, and so will reduce the ability to experiment with product design as well as provide additional time and cost to manufacturing for re tests.

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 consultation data says that when a fabric passes the match test it will pass the cigarette test. However, having spoken to test houses we see there being a small risk of smouldering from mobile devices that then won't be tested. On balance and due to the level of risk we agree with the proposal to remove the cigarette test.

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: All routes to compliance will come with additional complexity and cost. 1) The use of the Schedule 3 Interliner will add £40-£50 per piece onto the cost, this is because the interliner (containing FR chemical) would need to be purchased, cut and sewn alongside the fabric and then applied the furniture before the fabric application increasing production line efficiencies. 2) The Protective Cover route appears to be unworkable and offers the greatest risk of failures and the need to change routes. If this option was selected we envisage an increase in FR chemical applications to fabric. 3) The components testing route will not only add additional costs to testing but will limit design, engineering and innovation as well as adds additional testing costs. This option will also lead to increase lead times from design to final or production times impacting on our sales.

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: No testing has been completed using the new options in the regulations so it's unclear. However, there is a view that the use of FR will actually increase as a pass still needs to be achieved.

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: There may be scenarios of over and under use as mills and FR applicators work out exactly how much FR chemical to add to fabrics in order to pass the tests which will make it difficult to a number of years for manufacturers to assess the compliance and quality of fabrics in use.

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 agree there is a need for technical files to be specified in the regulations, the proposed regulations now allow for the retailer/customer to bear their name on the permanent label and hold the technical file. It is unworkable as a large

manufacturer to be able to manage the business in this way. There are several areas where allowing retailers/customers to assume this responsibility could add complexity and effect bottom line profits; a) retailers/customers currently all have different approaches to data collation and information recording making technical/compliance positions very complex and time consuming, even increasing costs by having different systems set up to cater for different retailers/customers b) there could also be instances where several of our retailers/customers choose one route and several another. This inconsistency could actually have the opposite intended affect and make it more difficult to track product compliance and who Trading Standards should approach. The regulations should clearly state that the actual manufacturer/importer is responsible and should hold the technical file as well as provide clear guidance to what this should include to ensure a consistent approach in the industry. There are some clear issues with this requirement that could lead to issues in future. The requirements say technical files should be kept "for 10 years dating from when the product is first placed on the market" however; a) there may be instances where a product is still being produced after 10 years but then there won't be a requirement to hold a technical file. The requirements would be better aiming for technical files to be held for a number of year after the product has stopped being produced so that the technical file will be in place for its entire lifetime + additional years for when the product can still be in use (to a reasonable time). b) there is no requirement to enforce any kind of version control. (the same product can have minor specification changes which should to documented in a version 2 (or such like) technical file. So in scenarios where customers or manufacturers make changes to products, a new technical file is created so that based on product manufacturer dates we can trace which technical file is applicable for a particular piece

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 proposed regulations will allow retailers/customer to assume the title of manufacturer. As the actual manufacturer (in its truest sense) it is unclear exactly what responsibilities will be assumed by adding the retailer/customer name to the label and holding the technical file. It is unworkable as a large manufacturer to be able to manage the business in this way. There are several areas where this could add complexity and effect bottom line profits; a) extra cost of design and purchase of individual permanent labels b) complexity and room for error in our cut and sew processes to get these sewn into the correct pieces c) the holding of label stock, whether too much and we suffer stock loss or not enough and orders are delayed d) extra systems, support and work involved in supporting retailers/customers with information to include in their technical files as we, as the manufacturer will hold and better understand all of that information. More significantly, our business will fail if we are unable to (Q6) continue with our return business which sees us sell production pieces as second hand directly from the line or as returns from retailers/customers as these will be retailer/customer branded as opposed to unbranded as they are now

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: The current standard for labels is text and so we should continue to use text and avoid symbols, which may then carry their own requirements to explain what symbols mean. It is unrealistic though to be able to include the actually chemical make-up of the FR as this information is not readily available from producers and if this was included it may create longer term issues for disposal of furniture for the end user.

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: For the 24 month timeframe there could be a significant amount of stock write off and a loss being made on products. Fabrics may be lost or require re testing and generally pieces are designed and quoted quite far in advance which means our pricing/quoting systems would need to be changed to allow for additional costs.

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

☒ Yes ☐ No ☐ Not sure

Comments: The regulations haven't been given enough time to be reviewed and for enough testing on various elements to be completed so that manufacturers can more easily assess impacts and costs. There is no evidence of a full testing regime so it is unacceptable to move ahead without knowing the full extent of the changes on the industry.

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: The impact assessment states an expected 16hrs of set up and 48hrs per year however this is unrealistic even under the current regulations. Time needed to document, effectively version control, store and use as reference when needed (which we suspect retailer/customer demand for information to increase) is a full time position.

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

Amount saved: It is unlikely that with the additional material and/or set up required for the tests outlined in these regulations that any savings will be made for removing the cigarette test. Additionally, more testing than now will be required if we opt for protective or non-protective cover routes and there is an expectation that costs overall will increase.

☒ Nothing ☐ Not sure

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

Amount saved: Flame retardants will still be in use or will increase depending on the route to compliance and as no official testing has taken place it is difficult to estimate savings and in the short term in order to achieve pass results suppliers may experiment with FRs in order to find the correct levels.

☐ 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: Based on these proposed regulations QFC would expect to see; 1) an overall increase in costs regardless of the route to compliance that was selected. The protective cover route will see a higher use in FR chemical leading to a more expensive fabric. The interline route will also include higher levels of FR chemicals in the final piece of the interliner as well as fabric will contain the chemical as well as additional complexity and cost to cut and sew and then apply and the components route will require so much more testing. 2) an increase in complexity and costs if retailers opt to have their own name as the manufacturer on the label and hold the technical file. This will require different labels to be purchased, stocked and sewn into the correct products in a mass multi retailer environment. 3) an increase in work

load and administration costs for traceability compliance. This may include new systems to track and be able to relay technical data to retailers/customers (if they opt to be named as manufacturer) and possible unrealistic expectations from retailers/customers on their information gathering. 4) an inability to continue business should we be unable to continue to re-sell second hand returns products. Finally, the regulations have not taken into account that the key safety measure to upholstered furniture is the FR foam. A key driver behind these changes seems to be the desire to reduce the use of FR chemicals however suspect that unless the regulations accept that the foam is the key defence, the use of FR chemicals in fabric and interliners will increase.

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