2016 - 125 Wyvern Furniture -

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): Trade Business Ltd T/as Wyvern Furniture
Address: Unit 13 – 15 Hartlebury Trading Estate, Kidderminster, Worcestershire, DY10 4JB

	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: There is clearer definition for the overall scope of the Regulation

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: We cannot comment as this is not our market place

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: It seems strange to intrinsically separate scatter cushions that are bought separately from an item that has scatter cushions as a feature. In theory, a singularly purchased scatter cushion could have no fr and almost fire risk properties and still be classed as furniture. The general population's opinion would be that the regulations are not being applied correctly. It would surely be almost impossible to segregate items brought singularly from those bought with an item of furniture with regard to fire investigation.

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: We cannot comment as this is not our market place

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: We cannot comment as this is not our market place

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: This would simplify the process providing that the testing process was properly defined.

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: The fibre wrap is not fully specified and open to interpretation and inconsistency in testing results

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

☐ Yes ☒ No ☐ Not sure

Comments: It is an option for compliance but if it used then it will significantly increase manufacturing costs with the additional risk of adding more FR chemicals into the product. This goes completely against the ethos of the regulations

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

☐ Yes ☒ No ☐ Not sure

Comments: The test method and the definition of a 2mm hole being a fabric failure will create a 5 fold increase in fabric testing costs. This will mean that costs that cannot be absorbed into products that have already been sold into the market place for the following 12 to 18 months will have to be passed onto the end consumer.

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

☐ Yes ☒ No ☐ Not sure

Comments: Whilst Fire safety is of paramount importance, the management of testing components, however large or small will increase manufacturing costs significantly with debatable fire safety improvements. The original use of an exclusions list goes part way towards assisting the process but this has now been removed. Methods will be found to circumnavigate the regulations they are stated that will have negative impacts to the industry with cost rising and increasing use of fr chemicals to ensure compliance. Whichever way this particular aspect is viewed, costs will significantly rise.

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: This is impossible to predict until the full and final regulations are published.

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: The target of getting cover fabrics to be classed as protective will undoubtedly increase the use for flame retardants.

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: The target of getting cover fabrics to be classed as protective will undoubtedly increase the use for flame retardants. The same situation will occur for items that fall with in the 10mm distance from the cover if the fabric does not form a protective barrier. This is completely counterproductive to the ethos of the regulations

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: It is important to document the componentry used, however, this will be difficult to manage and police for companies that are small in size.

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: It has always been strange to rely on fixing labels that are removed as soon as the end user put their furniture in place.

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 narrative only

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: Certain companies rely on longevity of models as a volume driven back bone for production efficiencies Stock is purchased and 24 months may seem realistic to some to certain companies, 36 months is more realistic.

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

☒ Yes ☐ No ☐ Not sure

Comments: This appears to be a reintroduction of the previous regulation changes with certain elements removed. The attempt at introduction a level playing field appear to be ever reducing. The concepts appear to be well intentioned, but again, the practicalities and details to testing standards are not. Flame retardant chemicals will be over used as a result to comply.

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: This statement is totally understated. We currently employ 1 person who spends 10 hours per week on due diligence tasks relating to FR and product conformity to regulation and standards. This is how it stands at present. The increased demands for testing of components within the 40mm limit will not be 'one off' tests and will fall within due diligence criteria. Technical file inputs will also dramatically increase the time requirements. This will substantially take longer that the 48 hours per firm as stated in the Impact Assessment.

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

Amount saved: This would be vastly outweighed by the testing fee increase for the revised match test being completed 5 times for conformity

☒ Nothing ☐ Not sure

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

Amount saved: Substantially more would be spent on FR chemicals in an attempt to continue current manufacturing methods. The thoughts that reduced use of FR chemicals on fabrics would result in cost saving for fabric cost is a complete myth. Unless FR chemicals were completely removed from the process then the machinery application process would still account for the majority of the cost. If the FR chemicals were completely removed then another process would have to be introduced as, in the main most, FR processes on fabrics actually hold the warp and weft together to prevent fabric splitting during the cutting and sewing operations. This would, again, have a negative effect.

☒ 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: Discussions at the consultation stage have revealed that the testing 5 times of fabric would not only cost 5 times the testing cost but additionally would consume 5 times more fabric for testing. This would only be partially mitigated by the removal of the cigarette test. The net effect would therefore be a quadrupling of testing fees for fabrics. There would then be additional testing fees for the components with the 40mm of the cover fabric. This would have to be done again at least 6 monthly for due diligence conformity.

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

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