

**Annex 8: Proposed amendments to schedule 5 - the match test -
part 1 and schedule 4 - the cigarette test - of the furniture and
furnishings (fire) (safety) regulations 1988 - response form**

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

The closing date for this consultation is 7th October 2014.

Please provide answers to any of the questions below, and provide any additional response you believe is appropriate, headed:

Your name:

Redacted

Organisation (if applicable):

Wendy Shorter Interiors Ltd

Address:

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Coursers Road
Colney Heath
Hertfordshire
AL4 0PG

Please return completed forms to:

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BIS
1 Victoria Street
London SW1 0ET

Telephone: 020 7215 5576
email: terry.edge@bis.gsi.gov.uk

Please tick boxes below which best describe you or your organisation.

	Organisation type
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local Government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input checked="" type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)

	Organisation type
	Trade union or staff association
	Other (please describe):

Please note: in addition to the consultation questions below, we would be very grateful if you could also answer the questions from the Impact Assessment which follow them.

Consultation questions:

Question 1: Do you think this proposal will achieve its aims of: helping to make UK furniture greener, save money to industry and making UK furniture more fire safe?

Comments:

I don't believe this proposal will make furniture greener or that it will save money for the bespoke or re-upholstery sector. I believe that the uncertainty caused by fabric houses not giving adequate information regarding fabric compositions or the appropriate chemical treatments to be used for each individual fabric, will mean that the small and micro upholsterer will require the chemical companies to apply chemical treatments to the highest levels available, in the hope that they would be complying with the new requirements. Alternatively, they would be forced to use a greater quantity of chemically treated barrier cloth/interliners. This would inevitably both increase costs and, because of the increase in chemical treatments, would make the furniture less green. These costs would be passed onto the consumer and could jeopardise the sector, which already struggles against the large quantity of cheap mass produced furniture currently being imported into the UK.

I would hope that any necessary changes would make UK furniture safer, but I am not convinced that these changes would. There needs to be a balance between these three objectives.

Questions 2: Do you think that paragraphs 19-22 accurately set out the need for a change to the current match test?

A ☐ Yes ☒ No ☐ Not sure

Comments:

Whilst I applaud the desire to reduce the quantity of chemicals used in FR treatments, the proposed changes to the current match test do not remove the use of FR chemicals and may, in fact, increase the amount used.

With regard to paragraph 21, any changes in legislation making the safe disposal of furniture difficult and more expensive to achieve, will only increase the amount of fly tipping that local authorities will have to deal with.

Question 3: Do you think the proposed changes are viable (paragraphs 23-29)?

A

☐ Yes

X ☐ No

☐ Not sure

Comments:

I believe that two tests are unnecessary. The majority of bespoke and re-upholstery work is carried out using Filling B, which is a more severe test than Filling A. Therefore, the costs involved in two types of testing, is unnecessary.

The 40mm rule only leads to confusion. What would be expected of the re-upholsterer when only refurbishing or replacing the top cover? If they were obliged to remove and replace all fillings because they do not know what lies beneath, this would increase the cost. If this then made the work unviable it would inevitably increase the amount of furniture going to landfill.

As I am unaware of any testing being carried out with regard the $>2\text{mm}^2$ hole formation it is difficult to comment on this. However, I suspect that a high percentage of fabrics will fall into the category of non-protective and will, therefore, require chemical treatment or the use of a schedule 3 barrier cloth/interliner, which will increase costs.

We need clarification on lining fabrics directly behind visible covers. In particular when new cushion cases are used over loose feather fillings and where stockinet is used over foam cushions.

Question 4: What are your views on the inclusion of currently unregulated materials (paragraphs 27-29)?

Comments:

The inclusion of currently unregulated materials and components will affect the re-upholstery sector. We will not, necessarily, know of a products construction and will, therefore, only be able to offer fabrics that are FR treated and protected or would have to use a barrier cloth/interliner to ensure that all components within 40mm are covered. This again would increase the cost of the work and would possibly make the work unviable, increasing the amount of furniture going to landfill.

The re-upholstery sector would need much more guidance on this point.

Question 5: Do you agree with the benefits BIS believes the changes will bring?

A ☐ Yes ☒ No ☐ Not sure

Comments:

I do not believe these changes will bring any real benefits at this time. Customers choose their fabrics, not the re-upholsterer. We cannot insist that our customers only use the small choice of inherent FR fabrics. Customers want their choice of fabric which, more often than not, is "Designer" lead. The majority of these fabrics are a combination of fibres that are not inherent FR and will either have to be FR treated or used with an FR barrier cloth/interliner, which will not reduce costs but will increase the quantity of chemical treatments used.

There are always going to be unscrupulous manufacturers and upholsterers and the more difficult these regulations are to apply, the more likely we are to find furniture that is non-protective. Greater enforcement of the regulations would be required.

Question 6: What is your view on BIS's reasons for bringing forward the changes (paragraphs 41-42)?

Comments:

I am fully supportive of the need to amend the current regulations, in particularly closing loop holes, the use of lining materials for cushions and making the requirements for loose covers much clearer, but I am very concerned that these points are not included in this proposal. I feel very strongly that the BIS proposal is being forced through for political gain at the forthcoming election next year, rather than for sensible safety, commercial and economic reasons. A second round of amendments in a year or two will be far more expensive for all concern and will only lead to confusion and misunderstanding.

Question 7: General rating of the proposals.

On a scale of 1 to 5, 5 being the highest, grade your overall approval of the proposals

	5	4	3	2	1
Right problems identified				X	
Range of options wide enough				X	
Preferred options well chosen				X	

Question 8: Do you have any other comments that might aid the consultation process as a whole?

Comments:

These proposals should be put on hold until a proper review of the whole Regulations and further testing and analysis has been carried out. I don't see any good reason for rushing into making a bad law, which I fear this may be.

Below are the additional questions from the Impact Assessment. Please respond to them on this part of the form.

Q1: Is the assumption on the cost of testing above right in your view? Could you provide evidence supporting your arguments?

Q2: Do you have any evidence that could help to refine this cost estimates?

Q3: Are there any other costs not included here that should be included? Please provide evidence supporting your arguments.

Q4: Do you agree with the assumption that there will be minimal losses of stock given the transition period? What is your normal turnover of stock?

Q5: Do you agree with the assumption on annual cost savings to UK based companies testing of fabrics for the cigarette test? Could you provide information on the cost of the cigarette testing for your company?

Q6: Do you agree with the range of cost savings above? What are the cost savings most likely to be for your company?

Q7: Are there any other methodologies you think would be more appropriate?

Q8: Do you agree with the cost estimates above? Could you provide alternative estimates? Could you provide estimates of cost savings for upholstered garden furniture and/or caravan upholstered furniture?

Q9: Do you agree with the assumptions above towards calculating the total annual amount of treated fabric? Please provide evidence supporting your arguments.

Q10: Are there any other un-quantified costs or benefits? If possible, please provide evidence supporting your arguments.

Q11: Is this a fair reflection of how smaller businesses will be affected? Please provide evidence supporting your arguments.

Q12: Are the familiarisation cost savings, in time, between options 2 and 4 an accurate reflection of the difference? Please provide evidence supporting your arguments.

Q13: Do the cost saving time profiles accurately reflect the timings of cost savings your business expect to see?

Thank you for your views on this consultation. 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 BIS 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?

X ☐ Yes

☐ No