

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:

Organisation (if applicable): **MACLAREN**

Address:

Please return completed forms to:

Terry Edge

4th Floor, Orchard 1

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
	Business representative organisation/trade body
	Central government
	Charity or social enterprise
	Individual
✓	Large business (over 250 staff globally) <i>Redacted</i> Maclaren Europe Limited Station Works Long Buckby Northampton NN6 7PF

	Organisation type
	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):

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:

- 1) This proposal is specifically framed around the UK manufacture of furniture for use in the home, where large quantities of cover material, (captioned 12m) are used to cover significant quantities of CMF filling material.
- 2) The scope of the requirements and application to nursery wheeled goods and other applicable items, will be difficult to control when sourcing and testing in global manufacturing markets
- 3) The proposed addition of items for inclusion in the testing located within 40mm from the outside face of the cover will create addition time / cost issues and additional clarifications will be required by 3rd party laboratories globally. Specifically this additional requirement is very difficult to rationally apply the pushchairs and other nursery items

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:

- 1) The paragraphs outlining the rationale, do not mention nursery goods, it appears to be specifically frame-worked for UK furniture manufacture only.
- 2) It does not address the identified use of chemical treatments
- 3) It does not address the possible coming requirements for disposal in a controlled manner at end of use
- 4) On nursery items it does not identify the skin contact of new born babies and children under 3 yrs

- 5) The need for change does identify chemical use and the increasing difficulty finding chemistry that will meet the requirements of REACH yet then will deliver a safe FR treatment, even after continued washing, as foreseeable on pushchair seat covers.
- 6) Chemical compounds are used in the CMF filler and also as a method of achieving cost effective yet safe coatings applied to the cover materials

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

A ☐ Yes ☒ No ☐ Not sure

Comments:

- 1) Nursery wheeled are goods no longer manufactured in England
- 2) The new proposal from April 2015 – will add a level of complexity to lab test services in Asia / Pacific region
- 3) Cover materials are sourced globally, treated and supplied to manufacturing facilities in Asia, 3rd party lab test will be more complex from an administration provenance.
- 4) Finished goods item cannot be tested
- 5) T/S officers will require documented evidence to demonstrate due diligence by importers of pushchairs, now with increased complexity of 40mm rule.

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

Comments:

- 1) This will increase the 3rd part lab costs, ongoing
- 2) Product assessment will be required initially in addition to the testing to determine included / excluded elements
- 3) Applicable to furniture, not specifically applicable to nursery items

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

A ☐ Yes ☒ No ☐ Not sure

Comments:

- 1) Cost savings are not proportional to percentage of chemical used. Chemical applied is one element of cost, roll handling, transportation to / from coating vendors, machine time on line, inspection and test, are all key cost elements in price per running metre of roll width material supplied, cost reduction is not pro-rata to gms / sqmtr of coating applied
- 2) Nursery industry items have a low ratio of material used when compared to value of goods at cost or rrp, a direct opposite the UK furniture industry

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

Comments:

- 1) It appears rushed for political gain, the review does not equally address all issues in the specific sectors of industry present within scope of the regulation
- 2) The proposed changes do not help the barrier to free cross EU trade. Nursery brands will still be required to manufacture, stock, distribute and offer a UK sku, in addition to the EU version of a product used in Europe and globally.
- 3) Recent speech from Chancellor at Institute of Directors, Mr Osborne highlighted free market movement, clearly on nursery goods, the requirement for additional FR measures, not required in the EU, go against this governments opinion.
- 4) UK wheeled nursery products will still be required to be manufactured and labelled to a specification not required elsewhere in the EU.

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		✓			
Range of options wide enough					✓
Preferred options well chosen					✓

Specifically when considered in relation to nursery industry requirements

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

Comments:

In relation to Pushchairs and other nursery items:

- 1) Incremental cost justification used in this justification are mainly not applicable to the wheeled goods importing industry
- 2) Vast majority of UK offered nursery items are not manufactured or 3rd party tested in UK
- 3) Costs are variable, dependant on volume of material used as identified in paragraph 6.14
- 4) Washing of items, key in a nursery item, is not considered

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?

- 1) Assumptions of cost of testing is biased toward furniture industry
- 2) The addition of the 40mm requirement will add a further level of complexity and time to market

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

- 1) Company confidential

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

- 1) These requirements will not improve the present barrier to "cross- European trade" situation that global brands are within. Brands will still be required to manufacture, distribute and certify a UK specific item.
- 2) Duplication of inventory – A visually identical product manufactured for sale in all EU regions, cannot be sold in the UK due to the materials used in the manufacture of the soft-goods. This requires that we (the importer) are required to manufacture, certify, stock and distribute a visually identical product yet with a different part code.

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?

- 1) There should be NO stock losses – Present product that meets current requirements must not be considered as dangerous or not fit for sale when the new requirements are approved
- 2) Nursery item usage and purchase is seasonal to a degree. It follows 24 months, 2 full years / seasons of trade, should be applied to meet the requirements

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?

No

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

- 1) Presently – no cost saving can be identified, the reverse is likely in the short term as additional assessment and test will be required , resulting in an increase in cost

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

- 1) The requirements should be reviewed on a global basis aligned with EU specifically but also by category ie (nursery) with consideration for California etc

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?

Not applicable

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

Not applicable for nursery items

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

- 1) Administration internally within our business and at vendors – rolled into business fixed costs
- 2) Transportation – of sample material to test laboratories
- 3) Development time – expected to be required on textiles to demonstrate covers and raw materials meet the requirements

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

SME's will not have the support found in larger organisations

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.

- 1) Reasonable estimate, further work is required

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

No – again, the nursery industry will have specific short term issues

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?

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. Visit www.nationalarchives.gov.uk/doc/open-government-licence, write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email psi@nationalarchives.gsi.gov.uk.

This publication is available from www.gov.uk/bis

Any enquiries regarding this publication should be sent to:

Department for Business, Innovation and Skills
1 Victoria Street
London SW1H 0ET
Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@bis.gsi.gov.uk, or call 020 7215 5000.

BIS/14/980