

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): Ross Fabrics

Address: Manor Mill Lane , Leeds , LS11 8LQ

Redacted

Please return completed forms to:

Terry Edge

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BIS

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London SW1 0ET

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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 type="checkbox"/>	Micro business (up to 9 staff)
<input checked="" type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	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.

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: Assuming that the proposed changes would allow for less coating to be used then it should follow that furniture would become more environmentally friendly and it should also follow that coating costs may be reduced a little. However, some of the proposed tests may actually require an increase in the amount of coating used in some cases.

Using less coating would imply that fabric may become less fire safe. Under the current methods of using chemical coatings on fabrics to make them fire safe the push on environmental grounds to reduce the amounts of chemicals used is inevitably in conflict with a desire to either maintain or improve fire resistance.

Having studied the proposals and following discussions with our fabric suppliers and coaters, we believe that it would be difficult if not impossible to produce a wide range of fabrics in commercial quantities that are capable of complying fully with the proposed new tests.

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: It would appear that in general Environmental and health concerns are now considered to be a greater threat than the potential dangers posed by fire. After over 20 years and following changes in foam production the current regulations need updating to reflect the current materials that are used in the production of furniture (non FR foams as used in the FR test are no longer commercially available for use in the manufacture of furniture in the UK)

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

A ☐ Yes ☒ No ☐ Not sure

Comments: The proposed rules appear more complex than the current rules and could create different categories of fabric depending on which test each fabric passes and therefore how each fabric can safely be used. This will cause confusion and ambiguity and make adherence to the new rules unpredictable and uncertain and consequently more open to abuse.

The current regulations which have been in place for many years are understood across the industry as they offer a clear Pass or Fail. We believe that the current regulations only require updating to incorporate a combustion modified foam similar to those currently used in furniture production. It is likely that such a simple change would achieve your goals of reducing the environmental impact of coatings without significantly affecting the fire protection that we currently benefit from.

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

Comments: Although we are not involved in the manufacture of furniture, it would appear sensible to include all materials that are used in the production of furniture. In particular it would seem essential that the polyester wraps placed directly beneath the outer fabric cover, such as the type described in the "Filling 2" test, should be included.

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

A ☐ Yes ☒ No ☐ Not sure

Comments: The proposed changes are more complex than at present and they would be very difficult to implement in reality.

However , if the current regulations are amended to incorporate currently available combustion modified high resilient foam then the benefits sought by BIS will be largely achieved.

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

Comments: The whole process appears rushed and many relevant organisations do not appear to have been consulted. As we currently have a system that works it is essential that this is not altered until all the issues and concerns of all interested parties have been fully investigated and resolved. The proposed amendments are confusing and it is uncertain if the fabric producers and coaters will be able to produce fabrics that meet the new requirements.

It is also very important that once new regulations are agreed adequate time is given for businesses to make the necessary changes to their production and procedures.

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

Overall poor. The proposals would in our opinion be more complex than the current regulations and on the basis of discussions with our suppliers and customers there is only limited awareness of the proposed amendments and its potential implications for the industry. It would seem sensible at this stage to slow things down and undertake a comprehensive study involving as many organisations within the industry as possible rather than to rush through the proposed amendments which many will struggle to understand and will find even more difficult to implement.

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

Comments: We believe very strongly that to achieve the aims of all parties in terms of environmental , cost and fire safety issues the simplest solution is to replace the use ,in the current FR test ,of non FR foam with a single approved (and generally used) Combustion modified high resilient foam and to keep the remainder of the current test largely unchanged as this test is well established , understood by everyone and provides a definite Pass/Fail result.

If the regulations become more complicated and produce different grades of Passes then compliance would become more difficult for the thousands of upholstery related businesses (both large and small) to achieve and this could lead to a reduction in the fire safety of furniture.

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

N/A

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?