

Smarter Regulation: Consultation on the new approach to the fire safety of domestic upholstered furniture:

Response form

Name of organisation

CHEM Trust

Type of organisation

Other (Please specify)

NGO

Consultation questions

Please note: We have not responded to the majority of questions below and instead would like to refer you to the detailed answers given by Fidra and of the Cancer Prevention & Education Society, who are leading the NGO work on flame retardants and the fire safety in furniture regulations. We have instead focussed our answers on some core issues of concern about the proposals under consultation.

Essential Safety Requirements – New Upholstered Products

Do you agree with the proposed essential safety requirements? If not, please provide evidence to support your assertions.

While it is welcome that the policy objectives are based on high-level safety outcomes instead of prescriptive testing requirements, we very much disagree with the inclusion within the Essential Safety Requirements of the open flame test, which must be removed.

- This test is closely linked to the over-use of harmful flame retardants in the UK - as a way for manufacturers to get through the test - but with no evidenced benefits to fire safety. It has contributed to [“globally significant flame retardant exposure rates being recorded amongst the UK public and wider environmental pollution”](#), which are linked to adverse human and

environmental health effects. CHEM Trust has set out the developmental, behavioural and neurotoxic effects of a number of chemicals in routine use, including brominated flame retardants, in our report [No Brainer: The impact of chemicals on children's brain development: a cause for concern and a need for action](#). The report's recommendations include removing the requirement for an open flame test for furniture, to protect children from exposure to chemicals that harm their brain development. This CHEM Trust [blog](#) looked at one flame retardant that is routinely used in sofas – known by lots of names including Decabromodiphenyl ethane, EBP, DBDPE and sometimes 'the other Deca' – which has been found in polar bears in the Arctic to dust in our homes and breast milk.

- The inclusion of the test ignores the [recommendation](#) by the Environmental Audit Committee in 2019 that the Government should “bring the UK in line with the rest of the EU and develop a new flammability test standard based on the EU’s smoulder test and California’s standard Technical Bulletin 117–2013”, in order to reduce the need to use harmful flame retardants while improving fire safety. It is deeply concerning that four years after this inquiry, the proposals do not substantively address the concerns raised by the EAC about the UK regulations. It is difficult not to conclude that the reasons for this are likely to be the entrenched interests identified by the EAC, which [said](#): “Inaction and obstruction within BEIS has contributed to the delay in reforming the Regulations. It is clear that opposition from some in the furniture and flame retardant industries, and protection of their market share, also contributed to the delay and the inability to achieve a consensus for reform.”
- Since [California](#) removed this test and moved to a smoulder only test in 2013, there has been no measurable increase in domestic fire deaths, but a fall in levels of flame retardants. In recognition of its safety and effectiveness, the Californian standard has now been accepted as the federal standard across the US. There are other examples of countries that do not include the flame ignition test and have proven effectiveness in fire safety, for example across the EU and New Zealand.
- We note that no evidence has been provided to demonstrate a causal link between falling death rates from fires in the UK and the mandating of an open flame test on domestic furniture. Attributing this fall to the test ignores and does not explain falling fire death rates in other major countries. A [comparison](#) of the fire death rate in the UK (with the most stringent furniture flammability regulations in the world) with New Zealand (with no furniture flammability regulations) showed very similar rates of decline. Indeed, the OPSS’s own data [Fire Risks of Upholstered Products report \(2023\)](#) shows that fire deaths in the UK, the USA and EU have fallen at the same rate (see Figure on p.86).

- Indeed, this same OPSS commissioned [report](#), rightly identifies fire and smoke toxicity as the primary cause of fire deaths and injury but then fails to address this key finding in its subsequent proposal. It finds that chemical flame retardants exacerbate fire and smoke toxicity and generate dense black smoke that hinders fire victims with mobility issues, such as the elderly, evacuating buildings and hinders fire fighters extinguishing fires and rescuing victims. The Centre for Fire and Hazard Science at the University of Central Lancashire has also [shown](#) that most fire deaths and fire injuries result from toxic gas inhalation. So too does the Fire Brigades Union, that is also calling for a change. At its annual conference in May, it approved a [motion](#) noting the “*multiple studies... have shown that chemical flame retardants used in furniture, increase toxicity in fires and are hazardous to human health and the environment. There is further gathering evidence that chemical flame retardants provide negligible delay to fire ignition, worsen fire conditions, and therefore will increase dangers to firefighter safety and welfare.*” It is a major failing of the proposals that although smoke toxicity is identified by the [research](#) commissioned by the OPSS as the “largest cause of death from fires” it does not, as acknowledged by that research, “feature in the furniture fire safety matrix”.
- The ESRS do not respond to the growing body of [research](#) about the current regulations not being fit for purpose and the need for new approaches to fire safety.
- We urge that the open flame test is excluded from the scope of the FFRs. We propose that requirements should instead follow the same lines as Californian standard TB117-2013, which does not include the open-flame test.

Conformity Assessment and Testing

Do you agree testing a composite or representative sample of the final item is the correct approach to assess the safety of upholstered products?

Yes. Final item testing is best for fire safety, because it better replicates real world conditions, and to reduce the unnecessary use of harmful flame retardants. It would give manufacturers greater flexibility to innovate and design better products that use less flame retardants.

Please email response form to furniturefire.safety@beis.gov.uk