Review of the Furniture Fire Regulations

Public Consultation

# Public consultation

The Department of Business, Enterprise and Innovation, as part of its ongoing consumer safety agenda, is reviewing S.I No. 316/1995 Industrial Research and Standards (Fire Safety) (Domestic Furniture) Order, 1995 and Irish Standard I.S 419:2011 (both instruments collectively known as the Furniture Fire Regulations). The Furniture Fire Regulations have been on the statute book for over 20 years and since then there have been a number of developments that may have a bearing on their current suitability, including changes in consumer expectations and in furniture manufacturing practices.

As part of this review process, the Department seeks submissions from all interested parties. The consultation will last 3 months, and the responses will be used in consideration of what, if any, changes may be made to the Regulations.

A summary of the legislation and current matters under consideration are set out in the following pages with questions posed on specific topics that respondents are asked to comment on. While questions have been included to assist the review, respondents are invited to include any other issues or comments they consider relevant to the consultation.

Link to the Furniture Fire Regulations:

<http://www.irishstatutebook.ie/eli/1995/si/316/>

<https://shop.standards.ie/en-ie/Standards/I-S-419-2011-868483_SAIG_NSAI_NSAI_2065348/>

Any queries in relation to the consultation can be directed to the Competition and Consumer Policy Section of the Department at the following contact point:

Email: conspol@dbei.gov.ie

# Submission

Respondents are requested to make their submissions **by e-mail to** **conspol@dbei.gov.ie**

The closing date for receipt of submissions is close of business **30 April 2020**.

**Each submission should include: the name of the individual, firm or organisation making the submission; contact details and a brief description of the respondent’s interest in this subject matter.**

# Background

The Furniture Fire Regulations Ireland (S.I No. 316/1995 Industrial Research and Standards (Fire Safety) (Domestic Furniture) Order, 1995[[1]](#footnote-1) and Irish Standard I.S 419:2011[[2]](#footnote-2)) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery in the interest of fire safety. This is to ensure that furniture placed on the domestic market is designed, manufactured and constructed to a particular standard in order to reduce potential harm to persons or property. The Furniture Fire Regulations were written in 1995 before the requirement for technical notification to the EU Commission (which would be the case now) and they mirror the regulations in force in the United Kingdom from 1988. Unlike most other product safety legislation, the Furniture Fire Regulations are not based on EU harmonised standards and are specific to Ireland.

When the Furniture Fire Regulations were introduced, domestic upholstered furniture could present a significant threat to safety in the home, if set alight. The natural, fire-resistant materials used in furniture making for centuries, such as wool, cotton and horsehair, had been replaced during the second half of the twentieth century with cheaper foam fillings, making new furniture more affordable. Unfortunately, these new man-made materials could be extremely flammable with a subsequent danger to life resulting from house fires. The Furniture Fire Regulations strengthened existing requirements for cover fabrics to be resistant to ignition and introduced a new flammability requirement for foam fillings.

The purpose of this consultation is to examine the scope of the Regulations, their enforceability, and the effectiveness of the testing regime.

# Scope of the Furniture Fire Regulations

The scope of the current Furniture Fire Regulations contains a list of what is included and what is excluded – see the table below:

|  |  |
| --- | --- |
| Included | Excluded |
| Furniture intended for use in a dwelling, including: * beds (including base and headboards)
* divans (including base and headboards) sofa beds,
* children’s’ furniture
* cots (including carry-cots, playpens, perambulators, pushchairs and similar articles)
* cushions
* high chairs
* mattresses and pillows.
 | Bedding or floor coverings (including duvets, carpets and mats) |
| Collection of components designed or intended to be assembled into any article of furniture above. | Furniture for export |
| Furniture intended for use in the open air but also suitable for use in a dwelling. | Furniture in boats or other vessels  |
| Furniture intended for a caravan. | Furniture in motor vehicles |
|  | Second-hand furniture |

As the scope includes items that may not be exposed to the same risk of accidental ignition (such as headboards of beds and divans or playpens) or that could be considered for use outside a dwelling (such as prams and carry-cots), it may be advisable to consider revising or tightening the scope of any new Furniture Fire Regulations. This could be achieved by using a single definition to cover all the items in the scope that could then be supplemented by a list of exclusions. Some possible wording could be as follows: *These Regulations cover any item of domestic furniture comprised of a cover fabric and a filling which is ordinarily intended for private use in a dwelling*.

## Questions

1. Do you agree with the use of a single definition such as the one above?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
2. If a single definition is preferable, do you agree with the wording above?
[ ]  Yes
[ ]  No (please set out the preferred wording)
3. Scatter cushions are included in the definition of “cushions”, but these are normally sold separately to furniture, should scatter cushions be included in the scope?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
4. Should there be a specific definition of a scatter cushion based on an identified size of cushion (such as dimensions of less than 60cm x 60cm x normal product thickness)?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.

5. Should baby carry-cots, prams, pushchairs and similar items be included in the scope?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
6. Sleeping bags and mattress protectors fall within a grey area of the current scope. As these items can be washed in a washing machine any flame-retardant chemicals will soon disappear – should these items be included in the scope?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
7. Should furniture for use outside a dwelling (ie garden furniture) be included in the scope?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
8. If outdoor furniture is excluded, should it be clearly labelled that it is not for use indoors?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
9. If you do not wish to change the current wording of the scope of the Regulations, do you agree with the current list of inclusions and exclusions as outlined in the table above?
[ ]  Yes
[ ]  No
10. If you do not agree with the current list, are there items you would:
	1. Include?
	2. exclude?
11. If you have any further comments on the scope please use this text box to expand on your answer.

# Flame retardants

The use of flame retardants is widespread as the primary means of meeting the requirements of the Furniture Fire Regulations. International studies have shown that certain flame retardants may be harmful and can pose a risk to human health.[[3]](#footnote-3) Potentially harmful groups include brominated, chlorinated and organophosphorus flame retardants. In addition, it has been found that certain flame retardants may accumulate in human tissue and may be linked to human health problems, including breast cancer.[[4]](#footnote-4)

There is a movement away from using chemical flame retardants internationally, particularly in the United States of America where many states have outlawed the use of these chemicals due to a possible link with cancer and due to the emission of potentially toxic smoke when chemically coated furniture goes on fire. In 2013, California revised its domestic furniture standard to reduce the use of flame retardants in upholstered furniture and children’s products.[[5]](#footnote-5) In 2018, it also banned the sale of furniture, baby products and mattresses containing flame retardants and repealed its open flame test standard.

Some flame retardants (in the bromine family) are already banned within the EU under the REACH Regulation,[[6]](#footnote-6) although there is always the potential for new products to emerge which are not covered by this Regulation.

## Questions:

1. Do you agree with the use of flame retardants as the primary means of meeting the safety requirements of the Furniture Fire Regulations?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.

2. If you agree with the use of flame retardants can you identify a group that may not have the potential to pose a risk to human health?
Please use this text box to expand on your answer.
3. If you agree with the use of flame retardants can you also identify relevant changes which would protect against health risks identified internationally with the use of flame retardants?
Please use this text box to expand on your answer.

4. If you do not agree with the use of flame retardants, can you identify other solutions for industry to ensure no reduction in the current safety standards?
Please use this text box to expand on your answer.

5. If the furniture manufacturing industry is required to change its manufacturing processes to meet the safety requirements of the new Furniture Fire Regulations what sort of lead-in time will it need to adapt?
[ ]  12 months
[ ]  24 months
[ ]  36 months
Please use this text box to expand on your answer.
6. What potential impact would a change to the current Furniture Fire Regulations and Standards have on furniture manufacture?
Please use this text box to expand on your answer.

7. If you have any further comments on the use of flame retardants please use this text box to expand on your answer.

# Testing

There are no harmonised standards at a European level in the area of furniture fire safety. In the absence of such, each EU Member State may introduce its own standards, as Ireland has done with I.S. 419:2011. The current Furniture Fire Regulations and Irish standard require furniture within the scope of the Regulations to pass what are known as the match (ignition) and cigarette (smouldering) tests before being placed on the market.

With the changes in life-style over the last 30 years these tests may no longer serve the purpose for which they were intended. The figures for the causes of fires attended by fire brigades in Ireland from 2000 to 2018 seem to indicate a reduction in matches and cigarettes as a chief cause of fires.[[7]](#footnote-7)

Even if I.S 419:2011 is retained as a standard presuming conformity with the Furniture Fire Regulations there may be a need to revise the standard due to the types of filling and cover identified in the standard. The current test standard requires that cover fabrics are tested over polyurethane foam, which is banned in final products due to its flammability. In addition, the test does not take account of the possibility to use protective materials underneath the cover. There is also the possibility of amending the test to allow for the testing of filling materials over combustion modified foam (the foam that tends to be used in final furniture products) and/or to remove the cigarette test requirement for fabrics which pass the match test.

## Questions:

1. Do you think that I.S. 419:2011 is still relevant as a standard to show the presumption of conformity with the safety requirements of the Furniture Fire Regulations?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
2. If I.S. 419:2011 is still relevant does it need to be revised in order to reflect advances in manufacturing techniques?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
3. If I.S. 419:2011 is no longer considered relevant could the use of another standard (such as EN 1021-2) be considered in order to presume compliance with the safety requirements of the Furniture Fire Regulations?
[ ]  Yes
[ ]  No

Please use this text box to expand on your answer.
4. Given that the objective in the Furniture Fire Regulations is to ensure safety, is there another way of ensuring flame resistance that does not need reference to a standard?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
5. For manufacturers – in the absence of accredited test houses in the State can you estimate the impact on costs of having to test furniture in other EU Member States?

Please use this text box to expand on your answer.
6. If you have any further comments on the testing procedure please use this text box to expand on your answer.

# Labelling and Technical Files

## Labelling

The current Furniture Fire Regulations specify the use of both a permanent label (Regulation 4 of S.I No. 316/1995[[8]](#footnote-8)) and a display label (Regulation 5 of S.I No. 316/1995[[9]](#footnote-9)). The current labels do not include any information about the type of flame-retardant chemicals used on furniture.

Given the complexity of modern supply chains, it may be appropriate to include accurate information about, for example, manufacturers, importers, distributors and wholesalers in order to help enforcement authorities to trace non-compliant products back to a place of manufacture.

It may also be appropriate to consider whether a display label should still be required along with a permanent label as experience seems to show that consumers remove such display labels after purchase.

## Questions:

1. Do you agree that the current labelling requirements (both permanent and display labels) are sufficient from an enforcement and informative point of view?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
2. If you do not agree with the current labelling requirements, would you consider that a permanent label is sufficient without a need for a display label?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
3. What sort of information should a label (permanent or display label) contain in order to inform consumers on the safety aspects of the product?
Please use this text box to expand on your answer.
4. Should a label contain information on the types of flame retardants contained in furniture if such flame retardants are used?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
5. Should a label contain relevant information about manufacturers or importers for traceability purposes?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
6. If second hand furniture is included in the scope of the new Regulations should it only be allowed for sale if it still has a permanent label affixed?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
7. If you have any additional comments on labelling, please use this text box to expand on your answer.

## Technical Files

Along with updating the labelling requirements there is also the possibility of including a provision for manufacturers, authorised representatives or importers to keep technical files[[10]](#footnote-10) on furniture products for a period of 10 years dating from when the product was first placed on the market. This provision would bring furniture products in line with other products such as toys and electrical appliances and make technical files on furniture products available to enforcement authorities for investigative purposes.

## Questions:

1. Should a manufacturer or importer be required to keep technical files on all their furniture products available for inspection for a period of 10 years?
[ ]  Yes
[ ]  No
Please use this text box to expand on your answer.
2. If you agree that a manufacturer or importer should be required to keep such technical files, what should the technical file include? Choose any or all of:
[ ]  Name of manufacturer or importer
[ ]  Registered trade name or registered trade mark
[ ]  Contact address of manufacturer or importer
[ ]  Type, batch, serial or model number (or other element) to enable identification
 of the product in line with the proposed permanent label
 A comprehensive description of:
 [ ]  Filling materials
 [ ]  Cover materials
 [ ]  Components
 [ ]  Flame retardants, where applicable
[ ]  Details and results of tests carried out on the product, or its components, to
 demonstrate compliance with the Furniture Fire Regulations
If you have any additional information that should be contained in a technical file please use this text box to expand on your answer.
3. If you have any further comments on technical files please use this text box to expand on your answer.

# Publication of Submissions and Relevant provision of the Freedom of Information Act 2014

The Department may publish all submissions received under this consultation on its website. However, should you submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive. The Department will consult with you regarding such information before making any decision to publish.

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided by a respondent is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties regarding information identified by them as sensitive before making a decision on any Freedom of Information request.

# General Data Protection Regulation

Respondents should note that the General Data Protection Regulation (‘GDPR’) entered into force in Ireland on 25th May 2018 and it is intended to give individuals more control over their personal data.

The key principles under the Regulation are as follows:

* Lawfulness, fairness and transparency;
* Purpose limitation;
* Data minimisation;
* Accuracy;
* Storage limitation;
* Integrity and confidentiality, and
* Accountability.

The Department of Business, Enterprise and Innovation is subject to the provisions of the Regulation in relation to personal data collected by it from 25 May 2018.

Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Act 2018.

1. <http://www.irishstatutebook.ie/eli/1995/si/316/> [↑](#footnote-ref-1)
2. <https://shop.standards.ie/en-ie/Standards/I-S-419-2011-868483_SAIG_NSAI_NSAI_2065348/> [↑](#footnote-ref-2)
3. <http://www.efsa.europa.eu/en/efsajournal/pub/2908>

 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2367656/>

 <https://www.fidra.org.uk/flame-retardants-in-our-furniture-uk-regulations-and-ten-years-of-imminent-change/>

 <https://www.niehs.nih.gov/health/topics/agents/flame_retardants/index.cfm> [↑](#footnote-ref-3)
4. <https://www.breastcanceruk.org.uk/uploads/Background_Briefing_Flame_retardants_21.9.17_%28IS%29_nw.pdf> [↑](#footnote-ref-4)
5. <https://bhgs.dca.ca.gov/about_us/tb117_2013.pdf> [↑](#footnote-ref-5)
6. <https://echa.europa.eu/regulations/reach/understanding-reach> [↑](#footnote-ref-6)
7. Statistics on the causes of fires and the fatalities from fires (2000-2018) <https://bit.ly/2oTbyf9> [↑](#footnote-ref-7)
8. To include: the name and address of the manufacturer/importer; a batch/identification number for the product; the date of manufacture/importation; a description of the filling and/or cover; whether the interliner (if used) has passed the ignition test and the words ‘CARELESSNESS CAUSES FIRE’ in bold, capital letters. [↑](#footnote-ref-8)
9. Stating the filling material passes either Clause 2 or 3 of I.S. 419:2011 and the cover passes the match test. [↑](#footnote-ref-9)
10. A technical file shows how the product meets the requirements of the legislation. [↑](#footnote-ref-10)