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RE: Consultation on updating the Furniture and Furnishings (Fire) (Safety) Regulations 1988

To Whom It May Concern,

As environmental and public health organizations, consumers, combustion scientists, firefighters, and other directly and materially affected stakeholders who care about safe furniture, we are writing in response to the open consultation on the proposed changes to the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

We understand that the open consultation is in regards to a proposed update of the regulations to "reflect changing consumer expectations and modern furniture manufacturing practices." We would therefore like to share the recent progress made in the U.S. on updating furniture flammability standards. We encourage you to consider the following, which underlie our view that open-flame furniture flammability standards undermine, rather than protect, public health; and that smolder standards can provide fire safety while reducing exposures to hazardous flame retardant chemicals:

1. Open flame furniture flammability standards have not been shown to be effective at improving fire safety.[1,2,3] Furthermore, where fire incident data is available, smolder ignitions – not open flame ignitions – are the predominant source of furniture fire deaths and losses.[4]
2. Furniture flammability standards using open-flame ignition sources are most easily and economically met using added flame retardants. These chemicals migrate out of products into air, dust, and waterways and end up in humans, animals, and the environment. They are widely detected in North Americans, and many of those commonly used in furniture are associated with adverse health impacts including hyperactivity, poorer neurodevelopment and lower IQ, hormone disruption, fertility problems, and cancer.[5,6,7,8,9,10,11] A recent study found that healthcare costs associated with continued exposure to hormone disrupting chemicals like flame retardants is costing the European Union an estimated €180 billion a year.[12] The use of these chemicals in products further contributes to health and environmental harms at the end of useful life.[13,14]
3. Other strategies – like smoke alarms, automatic sprinkler systems, and fire-safe lighters, matches, and cigarettes – increase fire safety without the potential for serious health and environmental harm.[15,16]
4. The U.S. has made significant progress toward fire-safe furniture without flame retardants through updated furniture regulations in the state of California and in Boston (discussed in more detail below).

Recent regulatory updates in the U.S.:

California:

California's residential furniture flammability standard Technical Bulletin 117 (TB117), instituted in the 1970s, was intended to improve residential furniture fire safety. But as the *Chicago Tribune* described in a multi-part exposé, TB117 failed to improve fire safety and resulted in high levels of flame retardants in humans and the environment in the US and Canada.[17,18] Following the *Tribune*'s revelations, California Governor Jerry Brown called on state agencies to update furniture regulations, saying, "We must find better ways to meet fire safety standards by reducing and eliminating—wherever possible—dangerous chemicals."[19] Over the course of 2 years, a new furniture standard was developed with input from stakeholders, including fire safety experts, furniture manufacturers, and public health groups. The supporting documents from this process are all available online.[20] California's new residential furniture standard, Technical Bulletin 117-2013 (TB117-2013), provides a model for achieving fire safety that allows manufactures to meet flammability requirements without the incorporation of hazardous flame retardant chemicals. In its Statement of Reasons explaining the updated standard, the agency responsible stated, "It has been demonstrated by [the Consumer Product Safety Commission] that the open flame requirements of TB117 do not provide substantial additional fire safety benefits when compared with other conventional constructions methods. TB117-2013 as proposed will address the primary cause of upholstered furniture fire related deaths and injuries without sacrificing safety benefits."[21]

Boston, Massachusetts:

For decades, the City of Boston had a unique requirement that furniture in regulated public spaces and some residential occupancies, including those equipped with automatic sprinkler systems, pass an open-flame furniture flammability standard known as Technical Bulletin 133 (or ASTM 1537). This test method functionally requires the use of more flame retardant chemicals than the TB 117 standard. The City of Boston recently adopted the new TB 117-2013 standard for furniture in fully sprinklered regulated occupancies, which is expected to uphold fire safety and greatly reduce the use of flame retardants in Boston furnishings.[22]

As a result of the regulatory change in California, U.S. industry estimates that the majority of home and commercial furniture currently manufactured in the U.S. is now manufactured with flame-retardant free foam. Boston's recent regulatory update will further reduce the use of flame retardants in U.S.-manufactured commercial furnishings. Since the adoption of the new TB117-2013, there have been no reports of an increase in furniture fires. We strongly urge you

to take advantage of the wealth of information available from the U.S. furniture flammability experience, including the information generated by the State of California during its recent regulatory update.

Sincerely,

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