

Position Paper

Fire hazards of Upholstered Furniture: The need for action by the European Commission

31 May 2007

1. Problem.

- **Furniture fires result in unacceptable numbers of deaths and injuries to European consumers each year. Based on empirical evidence and statistical data available, very conservative estimations indicate a potential lifesaving benefit from furniture controls of between 1,000 and 1,500 lives and between 10,000 and 15,000 injuries per year in Europe.**
- **Many of these fires result from accidental ignitions of foam-filled furniture from small sources found in every home. Even if not the first item ignited, once involved, foam-filled furniture creates a major increase in the fire hazard.**
- **Increasingly, flexible polyurethane foam has been the cushioning material of choice for upholstered furniture since its first use almost 50 years ago. It has completely replaced traditional materials and latex foam in practically all upholstered furniture.**
- **The Commission appears to have abdicated its sole and exclusive right and duty to propose or initiate EC legislation for almost 20 years, despite acknowledging the urgent need to protect consumers, making promises to do so and funding all the necessary research.**

2. Call for Action.

- **In the context of the recent French Notification, and against the background of previous aborted initiatives by the European Commission, ACFSE calls upon the Commission to take immediate and effective action to protect consumers from these unacceptable fire hazards by**
 - **Adoption of EN 1021, 1&2 as a performance standard that confers the presumption of conformity under the General Product Safety Directive; and**
 - **Completion of the Mandate issued to CEN in 1990 in respect of the development of a larger ignition source to be used in harmonized standards for the assessment of post ignition fire behaviour. This would provide an alternative performance standard conferring a presumption of conformity under the GPSD.**

ACFSE Secretariat

c/o Burson- Marsteller
37 Square de Meûs
1000 Brussels
Belgium
Tel +32 2 743 66 45
info.acfse@bm.com
www.acfse.org

3. Background.

- In 1990 the EC issued a mandate to CEN to produce standards for testing the fire resistance of upholstered furniture. This was partially completed, with the result that European standards EN1021 Pt 1&2, setting out the procedure to assess the fire resistance of upholstered furniture to cigarette and match ignition, have been adopted as voluntary standards by every Member State.
- A draft Directive was prepared by the Commission in 1990. The first essential requirement of the draft directive was ignition resistance; this was the reason CEN was mandated to produce EN 1021 1& 2 above. The second essential requirement was aimed at controlling the behaviour of furniture after ignition has taken place.
- The Commissions justification for the second essential requirement was “*Control of the level of ignition resistance is necessary, but is not sufficient in itself to ensure the safety of persons*”
- But the Commission withdrew the Directive in late 1991 stating that more technical and scientific work needed to be done on post ignition fire behaviour. Commissioner Bangemann commented “*This is a matter of the highest importance and urgency both to eliminate obstacles to trade and to protect public health and safety. I am urging acceleration of that research.*”
- In 1992 the Secretary General of the UEA (European Furniture Manufacturers Federation) Bart de Turck stated “*The UK legislation has shown itself not to be a frontier and the furniture industry considers that there is no further reason for a Directive under Article 100A.*” and proposed a voluntary standard of cigarette resistance only, the EUFAC scheme.
- In 1995 the CBUF study initiated by the European Commission, at a cost of 2.5 million Euros, reported:
 - That fire statistics show that the majority of European casualties are due to fires in upholstered furniture.
 - That *cigarette resistance* was met by all tested samples, *even those sourced on markets where there was no requirement for this standard.* (indicating that the principle hazard which upholstered furniture needs to be protected against is the flaming ignition source e.g. match or lighter.)
 - That there are ways of improving the fire performance by material selection and the design of furniture.
- BEUC issued a press release welcoming the findings of the Commission funded research programme and called for urgent action to protect consumers by Europe-wide legislation on furniture flammability.
- In July 1995 Commissioner Bangemann responded to BEUC proposing a labelling system for furniture passing the relevant flammability tests: EN1021 parts 1 &2, and EN597 Parts 1&2. and a post ignition behaviour test following the results of the CBUF study.
- In 2001 DG SANCO stated that they wanted to give a mandate on upholstered furniture under the then new approach of the revised GPSD in order to set standards with the stronger status foreseen there. They wanted a complete set of standards covering both resistance to fire (performance standards and the testing methods without which performance standards would be meaningless) and post ignition fire behaviour.
- DG SANCO saw the way to proceed with a mandate as more a technical than political issue and that it should be dealt with by the Directorate-General in question.

4. Present regulatory situation.

- In the absence of action by the Commission, France has notified the EC that it is not content to let this situation continue and wishes to prevent such fires by implementing national regulations.
- The Notification of France (2006/0622/F) submitted to the European Commission on 29 November 2006 suggested to introduce the resistance of ignition through cigarette as a minimal requirement. It also called upon the Commission to launch a process to introduce higher requirements at EU level.
- Some Member States applaud this initiative given the seriousness of the issue. Some Member States see the labelling requirements in the French notification as a potential barrier to trade. Other Member States want Europe-wide controls to avoid this. Sweden stresses that the Directive 2001/95/EC on General Product Safety (GPSD) already places a duty of care on manufacturers.
- Presently there are no European standards cited by the Commission which can be relied on by manufacturers to confer the presumption of conformity with the GPSD, meaning that in practice only furniture sold in the UK and Ireland provides adequate protection from the incendiary risk of foam-filled furniture.
- The common causes of furniture fires such as careless disposal of smoking materials or children playing with fire, surely constitute reasonably foreseeable misuse within the meaning of the GPSD, against which products should be reasonably protected.
- No other consumer product which presents anything approaching the risks, hazards and human consequences from fire to that from foam-filled upholstered furniture has been allowed onto the market without adequate protection.
- Electrical products e.g. televisions, are manufactured to European standards to prevent or mitigate fire dangers arising both from technical defects and foreseeable misuse by the consumer. Even though they account for fewer fire deaths than upholstered furniture, the Commission has recently signalled support for even higher standards of fire safety.
- **The European Union should not allow such safety anomalies to exist when the human consequences are so severe, and when means to avoid them are to hand and of proven life-saving efficacy.**

5. Conclusion.

- The European Commission has already invested considerable time and money on this issue in studies and mandates and the process must not and need not be allowed to revert back to the beginning.
- The majority of steps in any consumer safety model have already been taken for upholstered furniture.
- As the French notification itself makes clear, it would be illogical and indefensible to legislate for cigarette resistance alone, bearing in mind CBUF research findings. Cigarette ignitions of upholstered furniture – while still an unacceptable risk - are less frequent and less hazardous than ignition by small flames e.g. matches and lighters.
- A great deal of the work on a post ignition fire behaviour test and standard has already been done and if the project was reactivated it could soon be completed.
- The technology to make upholstered furniture resistant to ignition by cigarettes and matches is well established and been used for contract as well domestic products for at least 20 years.
- Material suppliers are able to advise on and provide combinations that will meet both these standards when specified by the furniture manufacturer, who can then assemble and sell without the need for testing.
- The Commission response to the French notification points out that any risks to human health or the environment posed by flame-retardant technologies are already the object of existing European controls and will be in the future covered by REACH.

6. Recommendation.

Step 1.

Publication of EN 1021, 1&2 in the Official Journal, (as proposed by the Commission in 2001) as a performance standard that confers a presumption of conformity under the General Product Safety Directive.

Step 2.

Completion of the Mandate issued to CEN in 1990 in respect of the development of a larger ignition source to be used in harmonized standards for the assessment of post ignition fire behaviour. This would provide an alternative performance standard conferring a presumption of conformity under the GPSD.

We believe once retailers are selling safer furniture with a CE mark in compliance with Step 1, this would encourage all sectors of the market to quickly follow the “first movers”. It would also deter importers from offering for sale inferior products as the industry would monitor imports from outside the EU.

The French notification once again demonstrates the need for the European Union finally to fulfil its promises to protect all consumers from these unacceptable fire hazards in the home. We urge the Commission to initiate immediate action.

7. Appendix. Statistics

Overview:

- 61% of the casualties and 81% of the injuries from fire occur in residential dwellings
- In Europe, there are about 7 fire deaths/million citizens = about 1 in 200 domestic fires result in a fatality and about 1 in every 14 domestic fires result in a “injury”
- Based on these calculations, in EU 25 there are about:
 - 3.250 domestic fire deaths in Europe every year; and
 - About 45.000 injuries

At Strasbourg in 1995 The European Parliaments Consumer Affairs Intergroup were informed of a study of fire brigade statistics ⁽¹⁾ during the 1980's. Based upon detailed investigation of a large number of fatal dwelling fires over a ten year period, the Greater Manchester Fire Service concluded that in almost 50% of cases the lethal conditions that caused the fatalities resulted from the involvement of upholstered furniture in the fire. In other words 50% of these fatal fires became killer fires simply because they involved foam filled furniture.

Applying this empirical evidence with the above statistics indicates that at a very conservative estimate there is a potential lifesaving benefit from furniture controls of between 1,000 and 1,500 lives per year and between 10,000 and 15,000 injuries through fire could be prevented in Europe.

Fire deaths and injuries from dwelling fires in Europe per year ⁽²⁾

The table below shows domestic fire and fatality data for a selection of European countries

Country	Population (000s)	Dwellings (000s)	Deaths/ year	Injuries/ year	Deaths/10 ⁶ persons/year	Deaths/10 ⁶ dwellings/year
Czech Republic	10 300	4 700	66	660	6.4	14.0
France	61 700	28 000	800	10 000	13.1	28.5
Germany	82 000	37 500	380	3 800	4.6	10.1
Hungary	10 000	4 100	114	1 140	11.4	27.8
Italy	57 500	22 000	240	2 400	4.2	10.9
Netherlands	15 900	6 800	38	725	2.4	5.6
Poland	38 600	13 400	336	3 360	8.7	25.1
Spain	39 900	12 500	150	1 500	3.8	12.0
Switzerland	7 200	3 100	24	240	3.3	7.7
UK	59 400	24 300	400	12 500	6.7	16.5
Total	388 800	156 400	2 623	36 323		
Average					6.7	16.7

Table 5 - Injuries and deaths in domestic fires for some European countries

Sources:

1) Survey of European fire service views on the fire hazards of domestic furniture. Greater Manchester County Fire Service 1990

2) “Towards improved electrical installations in European homes”, R Belmans, International Union of Electricity Applications et al.; The Forum for European Electrical Domestic Safety (FEEDS), 2004