

FEEDBACK FROM DEFRA WORKING GROUP FOR DOMESTIC SEATING WASTE

The British Furniture Confederation (BFC) is a member of a working group established by the government's Department of Environment, Food and Rural Affairs (DEFRA) to look at the potential of chemicals listed as Persistent Organic Pollutants (POPs) in domestic seating waste. DEFRA commissioned two studies to determine the likelihood of domestic seating waste containing POPs and the outcome of both studies has now been shared with the working group.

BACKGROUND

Domestic seating placed on the market in the UK must comply with the requirements of the Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended) to ensure that the furniture meets a minimum level of fire safety.

These regulations were introduced in 1988 following several fires involving domestic furniture, including the fire at the Woolworths store in Piccadilly, Manchester where an ignition source ignited the domestic furniture and the fire sadly resulted in loss of life.

Prior to 1988, there were no regulations to govern fire safety of upholstered furniture. However, following the incidents with domestic seating, it was deemed necessary for the fire safety of upholstered furniture and its components to be regulated.

USE OF FLAME RETARDANT (FR) CHEMICALS

The Regulations themselves neither require, nor do they prevent, the use of Flame Retardant (FR) chemicals to achieve compliance to the requirements. It has been common practice to use FR chemicals on some materials to meet the testing requirements specified to comply with the Regulations.

Wherever FR chemicals are used, they are required to comply with legislation that governs their safe use. The REACH, POPs and Biocidal Product Regulations are the key legislations that regulate which chemicals can or cannot be used and these requirements are subject to review and amended accordingly.

Some chemicals may therefore be removed from use over periods of time. Any product purchased would be required to comply with the legislation at that time the product is made available for sale.

Manufacturers do not make these rules or write the legislation that governs the use of chemicals, but in accordance with product safety, they are obliged to abide by the legislation at the time the product is placed on the market. As legislation is reviewed and updated, manufacturers will adapt and change their products accordingly.

One of the FR chemicals that has been used historically is Deca BDE. Over time, the use of this chemical has been phased out and in 2019, this chemical was no longer able to be used in upholstered furniture under both the Persistent Organic Pollutant Regulations (POPs) and REACH Regulations.

WHAT DOES THIS MEAN?

Whilst new products placed on the market today do not contain banned or restricted chemicals, DEFRA need to consider how to identify and deal with the products that are already in use that may contain these chemicals when they reach end of life, so that we can ensure materials that contain POPs do not re-enter the recycling sector or go to landfill.

THE STUDY

To consider what action to take, DEFRA commissioned two studies to determine the likelihood of domestic seating waste containing POPs and what the risk level might be.

The first study was desk-based to determine which items of furniture should be focused on as being the highest risk.

The outcome of this desk-based study was that domestic seating should be the priority as it is the type of soft furnishings with the highest risk due to POPs content (the FR chemical Deca BDE was widely used as a coating on the back of upholstery fabrics or in related materials)

The second study report carried out by the Environment Agency involved testing domestic seating products taken from the domestic waste stream to establish whether Deca BDE was present, and in what levels.

Not included in this study are carpets, carpet underlay, rugs, mattresses, upholstered headboards, curtains and blinds.

STUDY RESULTS

The study has confirmed that there are high levels of brominated flame retardants in some discarded sofas (and other similar items of furniture).

Many of the items contained flame retardants that are now classed as Persistent Organic Pollutants (POPs)

These substances were often found above legal limits, meaning they need to be dealt with in a way that destroys them.

Effectively this means that waste domestic seating containing POPs above the threshold limits needs to be identified and appropriately managed in a way that destroys the POP chemicals. It cannot be landfilled, recycled, or prepared for reuse. The POP content must be incinerated.

IMPLICATIONS FOR RE-USE / RECYCLING OF DOMESTIC SEATING WASTE

No additional rules apply to items of waste that do not contain POPs or contain them below the threshold limits. They can be recycled or prepared for re-use.

Second-hand sofas that do not become classified as items of waste can be re-sold, including through the charity sector. The legal controls that require destruction of POPs in waste do not apply to second-hand goods that have not been classified as waste.

DEFRA will work closely with the re-use sector to identify any potential implications of changes in soft furnishings item management and will work with them to identify and develop any required practical solutions.

Items can be dismantled with the soft elements containing POPs separated from other elements such as wood and metal that can be sent for recycling, and with materials containing POPs above the threshold limits sent for incineration. Those engaged in these activities would need to ensure the materials recycled are not contaminated and the processes they use do not result in releases of POPs.

DEFRA will work closely with the recycling sector to identify implications of potential changes in domestic seating waste management on the recycling rates and will work with them to identify and develop practical solutions.

The Environment Agency is the enforcing authority for these requirements in England and they will be issuing additional advice and guidance to help those who need to take appropriate measures to comply.

WHAT ABOUT PRODUCTS ALREADY PLACED ON THE MARKET AND STILL IN USE?

The requirements only affect items which are considered as waste.

Second-hand sofas that do not become classified as items of waste can be re-sold, including through the charity sector.

Householders can dispose of their old furniture in the usual way. It is waste management organisations which will need to make changes in how they dispose of them.

There is no requirement for people to get rid of their sofas as the risk to health is deemed to be low.

ADDITIONAL ADVICE AND GUIDANCE

DEFRA are commencing work on producing additional advice and guidance for the industry on how to deal with domestic seating waste that may contain POPs.

Working group members are working with the Environment Agency to ensure that the additional advice and guidance is as helpful as possible. This will be issued in due course.

DEFRA are conducting a survey to gather information on how this waste stream is currently managed and the costs of implementing changes. This will inform next steps, including how DEFRA can best support local authorities to make changes.

DEFRA are also working closely with the Devolved Administrations and regulators in Scotland, Wales and Northern Ireland.

ENQUIRIES

GENERAL - DEFRA- general policy enquires line <https://www.gov.uk/guidance/contact-defra>

MEDIA – DEFRA – press office <https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/media-enquiries>