

AUGUST 3, 1992

LOS ANGELES  POSTCARD

CHIM-CHIMINEY

By Mark Thompson

As summer settles in, hundreds of thousands of Southern Californians are discovering a secret about their backyard barbecues: you can fire up a pile of charcoal in less than fifteen minutes without using any lighter fluid at all. All you need is a metal chimney and some barbecue experience. But the Illinois-based Barbecue Industry Association has hired the priciest legal talent in L.A. to keep that word from getting out. The target of the BIA's ferocious legal and propaganda campaign: Southern California's powerful air pollution control agency, the South Coast Air Quality Management District.

Long the nation's toughest air quality regulators, the AQMD and its predecessors have steadily tightened the screws on major polluters over the past forty-five years. Smog levels have dropped quite sharply. But the region still falls far short of federal Environmental Protection Agency standards for air quality. So the AQMD has been training its sights on ever smaller sources of hydrocarbon emissions: paint, hair spray, dry cleaners, even backyard barbecues.

Writing about the AQMD in 1990, George Will cited the proposed barbecue rule as an example of creeping government "social supervision" that would yield noth-

ing but a "cold shower of costs." *The Wall Street Journal* warned that the impending barbecue crackdown marked the dawning of a "brave new world" of "regulatory nightmare." Michael Antonovich, a Los Angeles County supervisor and a frequently dissenting member of the AQMD's eleven-person governing board, declared last summer during the waning days of the would-be barbecue revolt that smog cops would invade back yards, arresting "some poor guy who's trying to barbecue a hot dog for his kid." And he warned, "You're going to have a very major backlash comparable to the backlash against property taxes in 1978."

Southern California's business lobby and its political allies have been waiting for a popular uprising against smog regulators for nearly half a century. The closest the region came to having one was in the early 1950s, when regulators first broached the subject of phasing out backyard garbage incinerators, considered at the time an integral facet of the unfettered Southern Californian lifestyle. Angry crowds flocked to hearings, and there were a few street protests. Politicians embraced the noxious fixtures to save their jobs. Backyard incinerators didn't disappear until 1957, long after other cities had eliminated them.

But the air in the basin, at its eye-stinging worst in the mid-1950s, was noticeably better by the end of the decade, and the Southern California lifestyle hadn't suffered a bit. Los Angelenos have been remarkably amenable to air pollution regulations ever since. They've tolerated, for the most part quietly, two decades of sometimes misguided tinkering even with their cherished cars. A *Los Angeles Times* poll taken in 1989, as smog rules were creeping ever closer to home, found that 90 percent of Southern Californians would give up aerosols and other products and 86 percent would drive less for the sake of cleaner air. They certainly weren't about to take to the streets to beat down a few new rules on the way they use their backyard barbecues.

All the BIA's bluster aside, the case for the barbecue emissions rule was hard to refute. The AQMD's staff found that on an average day the existing lighter fluids used to fire up the estimated 100,000 barbecues in use in the Los Angeles basin exuded four tons of volatile organic compounds, an output equivalent to that of two oil refineries. The agency's scientists believed a new formula for lighter fluid probably could be developed that would cut emissions by two-thirds. If not, simple metal chimneys, already on the market, could fire up charcoal more effectively than fluid anyway—generating virtually no emissions and saving money for consumers. On that advice, the AQMD board voted 10-1 in 1990 to ban lighter fluid as of January 1, 1992—unless manufacturers could come up with an acceptable low-emission formula by then.

The BIA, representing thirty-five manufacturers of barbecue equipment, put on a good show of being the only thing standing between bureaucrats and the abolition of the American tradition of cooking out. But in truth, the proposed rule opened up an unreported deep rift within the BIA. Makers of gas grills—and char-

coal chimneys—didn't mind the lighter-fluid crack-down one bit. But the trade group's briquette-and-lighter-fluid faction was stunned, foreseeing the loss of its most important market and the birth of a dangerous precedent, and all three members of the BIA's board of directors at the time happened to come from briquette-making member companies. The decision to pick a fight with the AQMD was a foregone conclusion.

In hefty legal briefs and a succession of hearings before the agency and in court, engineers from Kingsford and Clorox argued that developing low-emission lighter fluid was impossible. Lawyers added that the notion that metal chimneys could easily light charcoal is unfounded conjecture, and that frustrated consumers would be driven to tossing explosive gasoline on their coals, yielding far more pollutants and causing untold numbers of injuries and even deaths.

After two years of such litigation, an L.A. County trial court upheld the barbecue emissions rule that April. An appellate court upheld that ruling in September. Barely a month later startling news emerged from the labs of Kingsford and Clorox. Scientists had done the impossible. They had invented a low-emission formula that easily complied with the AQMD's supposedly draconian rule.

"Grill Away L.A.," Kingsford now is proclaiming in a local television spot for its low-emission lighter fluid. Alas, word that the chimneys work more quickly and thoroughly, and are cheaper than fluid while leaving no aftertaste, has already spread out of control. Nationwide, sales of the \$10 devices went from 20,000 in 1990 to 600,000 in 1991, and according to Bob Winckler, sales manager at the Jackes Evans Corp. of St. Louis, the leading domestic manufacturer of the chimneys, virtually all of that increase was in Southern California.

MARK THOMPSON is a senior editor at *California Republic* magazine.