

Published: May 16, 2009 04:00 am, The Daily Star

Area brewers say bottle-bill flaws could end them

By Tom Grace

Cooperstown News Bureau

If New York's new bottle law takes effect June 1 as planned, the Cooperstown Brewing Co. may go out of business.

“The law's a nightmare, and there's no way I can comply,” said President Stan Hall, whose brewery is home to Old Slugger and other beers.

The “bigger, better bottle bill,” part of the 2009-10 state budget, would make small water bottles returnable, just like cans of Coca-Cola and bottles of beer. Hall has no objection to this broadening of a 1983 law that included only carbonated beverages.

“I can understand that; there's a lot more bottled water than there used to be,” he said.

However, as the bill was crafted this year, a provision was added forcing beverage makers to mark all their products with new bar codes, also called universal product codes, that show they are sold in New York state.

“They say they need that to track bottle deposits, but they don't realize what they're asking us to do,” Hall said.

Breweries and other beverage makers would have to keep separate inventories and records for products sold in New York. New labeling equipment would cost thousands of dollars, he said, and sorting beers by destination would be grossly inefficient.

“We sell beer in Florida, Massachusetts and other places, but we don't know in advance how much is going where,” Hall said. “Requirements like this are just going to kill small brewers.”

Other brewers, both in state and out, have voiced similar complaints, saying the labeling requirement is unworkable.

Larry Bennett, spokesman for Brewery Ommegang in Cooperstown, said no small brewers will be able to abide by the law under its current timetable.

“As the law stands, we're supposed to be ready by June 1, but it's not going to happen,” he said.

Even if brewers loved the new law, there's no way they could set up systems quickly enough to meet the deadline, he said.

“It would take us months to get ready,” he said.

Magee: I think Legislature will remedy problem

Assemblyman Bill Magee, D-Nelson, said he believes state lawmakers will act soon to delay the law's implementation.

“There are two bills in the Assembly now: one to postpone when the law takes effect, and another to remove the UPC requirement and postpone the rest of it,” he said.

Magee, who favors removing the labeling requirement, said it was added to the bill to prevent people who buy beverages out of state from returning bottles in New York and collecting deposits.

``The theory is that people might buy their soda and beer in Pennsylvania or other border states and then return bottles and cans (in New York) for the nickels," he said.

Magee said the apparent solution seems worse than the problem, and Jeff Bishop, spokesman for state Sen. James Seward, R-Milford, agreed.

``The real problem is this bill was done behind closed doors, and no one had a chance to review it closely," Bishop said. ``It's not a good bill, at all," and businesses other than brewers will be hurt by it.

Convenience stores will have to buy ``reverse vending machines" to handle the new returnable bottles, Bishop said, and those cost \$17,000 apiece.

Seward voted against the budget, which contained the new bottle bill. Magee said Friday that he believes he voted against the portions of the budget that contained the bill.

``I've voted against it in the past, too, and now we're going to have to fix the problems with it," he said.

However, according to Votesmart.org, the roll call for Assembly bill 159-B, which contained the "bottle bill," shows Magee was one of 86 "yes" votes for the bill.

Beverage manager: Other problems with law

George Allen, sales manager at Northern Eagle Beverages, said the new law will end up costing consumers more money. One provision is that 80 percent of unclaimed deposits will go to the state rather than the beverage industry, as occurs now, he noted.

``This law is really a hidden tax on consumers, because businesses are going to pass on their increased costs," he said.

Allen said that making water bottles returnable will add substantially to their costs and cut down on their popularity.

Before the ``bigger better bottle bill" was signed into law this spring, environmentalists had been working for years to expand the 1983 law, according to Laura Haight, senior environmental associate with the New York Public Interest Research Group.

However, the bar-code requirement was never part of the environmentalists' goals, she said.

``That wasn't anything we asked for," Haight said, ``and the big danger now is that they'll use that controversy to weaken the law or prevent it from taking effect."

Haight said that millions of discarded water bottles have been polluting the state, a situation that will be reversed when the new law takes effect. She praised the provision that will send 80 percent of unclaimed deposits into state coffers, ``especially now, when the state needs the money and is considering program cuts."

Martha Clarvoe of Hartwick, president of the Otsego County Conservation Association, said she was heartened by the bottle law, because it will do more to protect the environment from litter and generating waste.

``We don't want to hurt local businesses, though, and it sounds like the labeling requirement may need to be changed," she said.

Any changes made, she said, should be consistent with the law's intent: to protect the environment by cutting down on waste and ``re-using what we have."