H.B. 2034 – RELATING TO BIOPROSPECTING

Testimony Presented Before the
House Committee on Energy and Environmental Protection and
House Committee on Water, Land Use and Hawai’ian Affairs

January 29, 2004

By

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Chairs Hermina M. Morita and Ezra R. Kanoho and Members of the Committees:

The University of Hawaii supports the major tenet of HB 2034, the establishment of a temporary bioprospecting advisory commission to address issues related to bioprospecting, including equitable benefit sharing, however, a prohibition on any transfer of biological materials from the State’s public lands would severely impact many activities of the university including teaching and research.

HB 2034 correctly states that the loss of biodiversity Hawaii is experiencing is primarily due to loss of key habitat, not bioprospecting. Clearly understanding and preserving habitat is the key to maintaining the biodiversity of Hawaii, not a prohibition on the transfer of biologic materials. In fact, it is only through education and research that we will be able to address the preservation of Hawaii’s biodiversity in any meaningful way.

The University currently has mechanisms in place to inventory biological research materials and track their movement both inside and outside of our campuses. Internally the UH Biological Safety Office maintains records of all controlled biological material. In addition, UH researchers are required to obtain
permits from appropriate state and federal agencies to sample in the field and should any biological material be transferred outside the university in the course of scholarly research, it may only be done under the terms of a **Material Transfer Agreement** (MTA) from the UH **Office of Technology Transfer and Economic Development** (OTTED). A boilerplate copy of a MTA is attached hereto.

Contrary to testimony submitted to your committees in favor of HB 2034, the University of Hawaii **does not engage in the sale of ANY biological materials.** The MTA allows for research and development using the material, but should an entity wish to commercialize the results of research that incorporates the UH material, a license from UH OTTED would be required. Again, the University may license the use of the material, but in all cases it retains ownership. **The University does not sell the biodiversity of Hawaii.**

The University is deeply concerned about a prohibition of the transfer of biological material. As mentioned above, such regulation would directly impact the two most important missions of the university; **Education and research.** In teaching, no materials would be permitted to move from research labs to classrooms, opportunities for community college and undergraduate students to participate in field studies would be severely curtailed, and the best and brightest of Hawaii’s students that want to pursue a career in life sciences at UH will be turned away; a true disservice to our young people.

As important, the prohibition on the transfer of biological material would severely affect a **growing research capacity in the life sciences** at the same time the state is promoting such activity as a **driver of economic diversity** in Hawaii. If enacted, a prohibition would put a significant amount of the University’s $324M (2003) in extramural research funding at risk and would preclude the submission of many grant proposals currently under development. Federally funded programs, such as EPSCoR that reach across our state to build capacity in
attracting federal funding and GK-12 that puts graduate student researchers into our public schools, would cease to exist. Ironically, the basic research needed to preserve endangered species, control invasive species, and preserve our fragile ecosystems would stop.

While we support the establishment of a temporary bioprospecting advisory commission and will actively participate in such a panel, the University respectfully requests that your committees amend HB 2034 to exclude the activities of the University of Hawaii through such language as was included in SB643 SD2 from the 2003 Regular Session.

Thank you for the opportunity to provide testimony on this bill.