



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

H.B. 247 – RELATING TO BIOPROSPECTING

Testimony Presented Before the
House Committees on
Water, Land & Ocean Resources
Energy & Environmental Protection
Hawaiian Affairs

January 28, 2005

By
James R. Gaines
Interim Vice President for Research
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Chairs Kanoho, Morita, Saiki and Members of the Committees:

As in testimony related to this bill in previous sessions of the legislature, the University of Hawaii supports the major tenet of HB 247, the establishment of a temporary advisory commission to address issues related to Hawaii's natural resources.

HB 247 correctly states that the biological diversity and natural resources found in Hawaii may be of great potential economic benefit for all of the citizens of Hawaii and that native Hawaiians have a rich body of traditional knowledge associated with Hawaii's biological resources. HB247 also correctly states that native Hawaiians have the right to protect, preserve, and control the use of their traditional knowledge and to be appropriately compensated when the use of such knowledge leads to discoveries that result in commercially successful products. In addition, HB247 correctly states that the loss of biodiversity that Hawaii is experiencing is primarily due to the loss of key habitat and that the State has an obligation to ensure the preservation and sustainable use of Hawaii's biological resources.

Bioprospecting however, has but a minor impact on the loss of biodiversity and the use of biological resources. However, issues associated with access to state lands and waters, the ability of the state to recognize benefits from the commercialization of

products derived from materials from state lands and waters, and the use of traditional or cultural Hawaiian knowledge that leads to the development of commercially successful products should be addressed and the advisory commission provided for in HB247.

The University of Hawaii, as the major research institution in the State, is actively engaged, through a variety of research programs, in trying to better understand the factors that influence our State's natural and biological resources and of finding more effective ways to preserve Hawaii's biodiversity. As a part of the worldwide community of science, and in fulfillment of its many government grants, the University and its faculty share information and materials with scientists all around the world. Many of these materials are biological materials and are of interest to researchers who are engaged in similar research or are tackling similar problems in their corner of the world. Under government granting regulations or publication guidelines, University scientists are often required to share their materials with other researchers and University policy requires that all such samples be transferred under a Material Transfer Agreement that specifically retains the University's interest in the shared material. In no way is title or ownership passed on to the recipient of the University's sample and contrary to testimony you will hear today, the University has never sold material that its researchers have collected to any entity, including commercial companies. It is the University's strong belief that only through research and education will we be able to address the preservation of Hawaii's biodiversity in any meaningful way.

Further, the University recognizes the potential economic importance of Hawaii's biological and natural resources and is supportive of efforts to use those resources in responsible and sustainable ways. As Hawaii attempts to diversify its economy, particularly through the growth of a biotechnology industry, the biological diversity found in the State will certainly draw business opportunities that will benefit all of the citizens of Hawaii. Thus, it is in the interests of all Hawaiians that the biological diversity of the State be maintained and that its biological resources be conserved. The importance of doing so is reflected in Article XI, section 1, of the State Constitution, which admonishes

the State to conserve and protect Hawaii's natural beauty and to promote the development and use of the State's natural resources in a manner consistent with conservation and in furtherance of the self-sufficiency of the State.

Finally, the University respectfully notes that the range of issues addressed by this bill and by the commission established through the enactment of this legislation is far broader than merely bioprospecting and would note that a more appropriate title might be "A bill for an act relating to Hawaii's biodiversity, its conservation, and sustainable development, including bioprospecting"

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