

UNIVERSITY OF HAWAI‘I SYSTEM

LEGISLATIVE TESTIMONY



SB 151, Proposed SD 1
RELATING TO BIOPROSPECTING
(Establishes a permanent bioprospecting advisory commission)

Testimony Presented Before the
Senate Committee on Water and Land
and
Senate Committee on Agriculture and Hawaiian Affairs

Wednesday, February 13, 2008, 2:45 p.m.

by
James R. Gaines, Vice President for Research
University of Hawaii System

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SB 151, Proposed SD 1 RELATING TO BIOPROSPECTING

Chair Hee, Vice Chair Kokubun, and Members of the Committee:

The University of Hawaii supports the intent of SB 151, Proposed SD 1, which would establish a permanent bioprospecting advisory commission. As a member of the Hawai'i State Temporary Advisory Commission on Bioprospecting (ACB), the University recognizes not only the complexity of the bioprospecting issue, but also the broad range of perspectives of the various stakeholders who participated in the commission's work.

The recently released report from the ACB is the culmination of five years of legislative effort. As a result of that effort, we believe that the recommendations of that report, some of which are addressed in this bill, are only a starting point in directing public policy on this topic. More work is needed to develop policy that will balance any development and commercialization of Hawaii's biodiversity with scientific research and conservation efforts. Specifically, we will be challenged in developing administrative rules that will allow the University to address federal funding agency requirements for sharing of samples and data with researchers around the world if those samples originate in Hawaii.

We would suggest the following housekeeping changes for your consideration:

- In Section 2, subsection 6, *Administrative rules* (page 12, line 19), amend paragraph (1)(i) to read: "...involves any intent to use [~~and~~] the sample to produce a commercial product...."
- In light of the numerous collections of biodiversity housed at the University, many of which include samples collected from around the world, amend Section 2, subsection 6, *Administrative rules* (page 12, lines 9-13) to specify that regulations pertaining to material transfer agreements, reporting, transferring, and tracking apply only when the material requested originates in Hawaii.

The University of Hawaii applauds the Legislature's foresight in addressing the bioprospecting issue and beginning to form a legal framework whereby science and industry can access Hawaii's biodiversity for research and development purposes, while addressing the public land trust obligations of the State. Thank you for the opportunity to testify.