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UC BERKELEY ASUC SENATE PASSES RESOLUTION WITH CONCERNS AND DEMANDS FOR THE BP-UCB DEAL

Last night the Associated Students of the University of California, the ASUC Senate, representing the UC Berkeley student body, passed a resolution outlining many concerns with the proposed Energy Biosciences Institute, and the \$500 million contract with BP. The resolution calls for a thorough and ongoing external review of the agreement by experts in the fields of ethics, intellectual property rights, public-private conflicts of interest, and the social and environmental impacts of the proposed research, to be published before the agreement is signed. The ASUC also strongly urges the administration to support an entirely transparent and open process for drafting and reviewing the agreement, and urges the administration not to sign the agreement until these demands are adequately addressed.
(see complete resolution below)

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ASUC Resolution Calling for Review of the BP-UC Berkeley EBI Dealⁱ

Authored by Hillary Lehr, Jennifer Wells, Kamal Kapadia, and Nathan Murthy
Sponsored by Senators Caro Jauregui, Van Nguyen and Brandon Chen

WHEREAS, BP (formerly British Petroleum) chose the University of California, Berkeley to share in a \$500 million research grant with the Lawrence Berkeley Lab (LBL) and the University of Illinois at Urbana Champaign to create an Energy Biosciences Institute (EBI);ⁱⁱ and this proposal would be the largest agreement between a public university and single private corporation in university history, thus setting a precedent for future private-public partnerships; and

WHEREAS, the announcement of this proposed ten-year contract on February 1, 2007 coincided with the February 2, 2007 release of the Intergovernmental Panel on Climate Change Fourth Assessment Report calling on all nations to begin serious carbon emissions cuts in the next ten years to avoid further climate catastrophe; and

WHEREAS, the students at UC Berkeley ultimately share an interest in climate stability and net carbon emissions in the coming decades; we hope to fulfill our responsibility as educated members of the most carbon emission-intensive and most politically powerful nation in the world and thus need to

examine these issues and to determine how well this deal will further our common public interest; and

WHEREAS, UC Berkeley, LBL, and BP, through this agreement, are all working to develop alternative energy resources in the face of global climate change, but as a public-land grant institution, the University's mission to serve the public interest potentially differs from BP's profit-seeking interests and share-holder accountability; and

WHEREAS, the proposal to BP pushes for the development of new biofuel technologies and, while scientific understanding of critical environmental issues surrounding biofuels is still limited, a growing body of research indicates that there have been and could be more negative environmental impacts, including the topsoil and water depletion associated with intensive industrial agriculture, the ecological hazards of transgenic modifications, and the additional and intensifying risks to agricultural integrity due to the now well documented unforeseeable but highly probable changes in weather patterns due to climate change.ⁱⁱⁱ Studies have also argued that large-scale development of biofuels along the current model would damage food security, especially for the poor in developing countries, yet these environmental and social issues may be insufficiently addressed in the UC Berkeley proposal to BP; and

WHEREAS, two laboratories in the proposed EBI will focus on increasing the efficiency of fossil fuel use and extraction, thereby potentially contributing to climate change by helping corporations extract and sell fossil fuel resources which otherwise would be uneconomical; and

WHEREAS, the proposal as it now stands grants BP exclusive license options over UC Berkeley intellectual property rights, and unclear control over the content and direction of research; this presents an urgent need for proper review in order to align research choices and intellectual property rights with the interest of the researchers involved and the University of California; and

WHEREAS, grave concerns exist regarding the proposed maintenance of a certain physical space, in the new EBI complex or anywhere on campus, within which BP scientists and employees can carry out activities in secret; considering that we as Americans already suffer from a serious erosion of democracy engendered by such breach of constitutional public spaces in other realms of American life, we refuse to replicate and aggravate such a situation on our own campus, which would undermine any efforts at effective review and oversight of the proposed BP partnership; and

WHEREAS, the BP contract has prompted UC Berkeley Administrators to bypass the Academic Senate in making high-level hiring decisions, threatening the long-standing principle of shared governance; and the contract gives BP a strong presence on the Governance Board of the EBI and allows BP to play an important role in University hiring and firing decisions; and

WHEREAS, what draws students to UC Berkeley is excellence of education untrammelled by vested interests, stemming from a merit-based faculty hiring process and public-interest driven curriculum development; the BP proposal threatens this essential academic freedom by proposing that BP employees would participate in education and curriculum development; the proposed deal would therefore be an unprecedented relationship with few controls to protect our education system from corporate biases; and

WHEREAS, for similar reasons, an independent review by Michigan State University (MSU) of the University of California, Berkeley-Novartis deal recommended that the University “[a]void industry agreements that involve complete academic units or large groups of researchers” and “[r]eassess in a comprehensive fashion the implications of non-financial and institutional conflicts of interest”;^{iv} and

WHEREAS, the University of California currently bars stock ownership in drug companies paying for professors’ research due to concerns of conflicts of interest; and

WHEREAS, although some funding for research into the ethical, geopolitical, and environmental impacts of biofuels may be provided in the BP contract, researchers in the appropriate fields may feel discriminated against by the funding process or may find a conflict of interest due to the source of the funding; however, such research is necessary and deserves alternate funding sources; and

WHEREAS, the University of California administration has appointed four professors who chair Senate committees -- Calvin Moore, Patrick Kirch, Christopher Kutz and J. Miguel Villas-Boas -- to participate in the negotiations as part of a blue ribbon committee that does not include student representation; and

WHEREAS, the Graduate Assembly recently passed a resolution calling on the UC Berkeley administration to include two graduate students in the above-mentioned committee, and to address all the above concerns^v; and

WHEREAS, students of the University of California will perform the majority of the research under this collaboration and will be greatly impacted by the terms of the contract; and

THEREFORE, BE IT RESOLVED, that the officers of the ASUC support and reiterate all the demands made in the Graduate Assembly Resolution.

BE IT FURTHER RESOLVED, that in addition to the demands of the GA resolution, the officers of the ASUC request that the above concerns regarding the BP agreement receive a thorough and ongoing external review by experts who have considerable professional and academic expertise in the fields of ethics, intellectual property rights, public-private conflicts of interest, and the social and environmental impacts of the proposed research; and that the review be published before any agreement with BP is signed.

BE IT FURTHER RESOLVED, that the ASUC strongly urges the administration to support an entirely transparent and open process for drafting and reviewing the agreement with BP, in keeping with the basic mission of a public institution, which is to foster the free and untrammled exchange of information and ideas in all aspects of the work we do on this campus.

BE IT FINALLY RESOLVED, that the ASUC strongly urges the administration NOT to sign the BP agreement until these demands are adequately addressed, even if this means postponing a final contract until ALL the above demands are met, including a thorough external review by qualified experts, as detailed above.

ⁱ This resolution builds on the GA resolution titled “Resolution Calling for Review of the BP-UC Berkeley EBI Deal” and was drafted by Hillary Lehr, Jennifer Wells, Kamal Kapadia, and Nathan Murthy.

ⁱⁱ Robert Sanders, UC Berkeley Press Release, “BP selects UC Berkeley to lead \$500 million energy research consortium with partners Lawrence Berkeley National Lab, University of Illinois.” Accessed on 03/27/2007 from http://www.berkeley.edu/news/media/releases/2007/02/01_ebi.shtml.

ⁱⁱⁱ Patzek, Lucas and Tad. “The Disastrous Local and Global Impacts of Tropical Biofuel Production,” pp.19-22, in *The Energy Tribune*, March 2007; Monbiot, George. “A Lethal Solution,” March 27th, 2007, the Guardian.

^{iv} Lawrence Busch, Richard Allison, Craig Harris, Alan Rudy, Bradley T. Shaw, Toby Ten Eyck, Dawn Coppin, Jason Konefal, Christopher Oliver, and James Fairweather, “External Review of the Collaborative Research Agreement between Novartis Agricultural Discovery Institute, Inc. and The Regents of the University of California,” July 13, 2004, p.13. Accessed on 3/27/2007 from http://www.berkeley.edu/news/media/releases/2004/07/external_novartis_review.pdf.

^v See Graduate Assembly Resolution titled “Resolution Calling for Review of the BP-UC Berkeley EBI Deal”. The GA unanimously passed this resolution on April 5, 2007.