

Resolution Calling for Review of the BP-UC Berkeley EBI Deal¹

- 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);² 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;
- 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;
- WHEREAS the graduate 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;
- 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;
- 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.³ 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;
- 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



THE
**GRADUATE
ASSEMBLY**
UC BERKELEY'S GRADUATE-STUDENT GOVERNMENT

align research choices and intellectual property rights with the interest of the researchers involved and the University of California;

WHEREAS the BP contract has prompted UC 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;

WHEREAS the details of the BP contract allow BP researchers to develop academic curricula, which is an unprecedented relationship with few controls to protect students against corporate biases and to ensure that this curricula fits our mission as a public university;

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”;⁴

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

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;

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 graduate student representation; and

WHEREAS graduate 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.



THE GRADUATE ASSEMBLY

UC BERKELEY'S GRADUATE-STUDENT GOVERNMENT

THEREFORE, BE IT RESOLVED that the officers of the Graduate Assembly request two graduate student representatives serve on the Blue-Ribbon Committee to voice graduate student concerns;

BE IT FURTHER RESOLVED that the officers of the Graduate Assembly bring forth these concerns to the chancellor, specifically asking for a redress of the BP contract concerning the following: increased flexibility in licensing rights of new technologies including a time-limitation on first right refusal by BP, removal of any control by BP on hiring and firing decisions of faculty, removal of any control over curricula by BP, increased representation of the University of California, Berkeley on the governance board such that we possess more votes than BP, and that the Blue-Ribbon Committee reexamine the public relations provisions of the EBI proposal;

BE IT FURTHER RESOLVED that the officers of the Graduate Assembly request that the BP contract be written to include an open and transparent research project selection process that involves independent peer review;

BE IT FURTHER RESOLVED that the officers of the Graduate Assembly ask the chancellor to create a funding pool completely separate from the BP contract for funding of research into the ethical, geopolitical, and environmental impacts of biofuels, and that a body be formed separate from the EBI to distribute these funds;

BE IT FINALLY RESOLVED that the officers of the Graduate Assembly request that the chancellor pursue a policy similar to that applied to pharmaceutical research such that researchers involved in the EBI be restricted from owning stock in BP and other proprietary interests involved in or related to EBI due to conflicts of interest.

¹ This resolution was is a modification by Gavi Begtrup of the original drafted by graduate students from relevant disciplines and Graduate Assembly delegates, including Jennifer Casolo, Eugenio Urquiza Fernández, Kamal Kapadia, Jonathan Rheume, Kathryn Schild, Bradley Voytek, and Jennifer Wells.

² 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.

³ 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.

⁴ 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.

