

# TEROC

## Outgoing Correspondence



September 30, 2009  
to  
December 1, 2009

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**Baird, Glen (CDPH-CDIC-TCS)**

**From:** Ong, Michael M.D. [MOng@mednet.ucla.edu]  
**Sent:** Wednesday, October 07, 2009 8:38 AM  
**To:** 'rstafford@stanford.edu'  
**Cc:** Baird, Glen (CDPH-CDIC-TCS); Watkins, Hope; 'lgreen@cc.ucsf.edu'  
**Subject:** Question re TRDRP SAC and response to UCOP's Non-Advocate Review committee

Hi Randy,

Hope you are doing well! As the new chair of TEROC, I wanted to touch base with you regarding the Non-Advocate Review committee that UCOP is putting together. During the TEROC meeting yesterday, I think Larry Green mentioned that he would email you but just in case he did not get a chance to do so, I just wanted to make sure we didn't miss a chance to connect. At our TEROC meeting yesterday, we had heard from George Lemp and Bart Aoki that the SAC was putting together comments to forward to UCOP. One concern that TEROC had was that the current membership does not include someone with a public health and/or tobacco control perspective. We understand that Steven Beckwith at UCOP said he was open to other individuals, but wanted specific names. Was the SAC going to recommend particular individuals? We would be happy to support any suggestions (on this particular issue as well as re the NAR committee) the SAC may make.

Best,

Michael

Michael Ong, M.D. Ph.D.  
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From: Ong, Michael M.D.  
Sent: Wednesday, October 07, 2009 12:49 PM  
To: 'Randall S. Stafford, MD, PhD'  
Cc: Larry Green  
Subject: RE: SAC Letter Draft

Hi Randy - I took a quick look at the letter which looks very strong and makes excellent points that need to be addressed. From our discussion at TEROC yesterday, we were going to draft a letter to address the NAR reviewers (I think Steve Schroeder and David Burns would both be great additions); the issue of staffing and being subject to furloughs which makes no sense for a program with its own dedicated funding stream; the issue of the lack of director which we raised a few months ago with Yudof. We did not get into the specifics of metrics for measuring the program, we would probably also recommend that measurements of success should also be based on the enabling regulations and potentially how it matches TEROC's master plan for tobacco control in California.

Larry - feel free to chime in if I may have missed anything from the TEROC discussion yesterday or additional thoughts.

Best,

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**Baird, Glen (CDPH-CDIC-TCS)**

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**From:** Ong, Michael M.D. [MOng@mednet.ucla.edu]  
**Sent:** Monday, October 12, 2009 3:12 PM  
**To:** Mark G. Yudof; Lawrence Pitts, MD; Steven Beckwith; Randall S. Stafford, MD, PhD; abellis@ucsd.edu  
**Cc:** Baird, Glen (CDPH-CDIC-TCS); Watkins, Hope  
**Subject:** Letter from the State of California Tobacco Education & Research Oversight Committee  
**Attachments:** TEROC Ltr\_Yudof mailed101209.pdf



TEROC Ltr\_Yudof  
mailed101209.p...

Dear President Yudof,

Please find enclosed an electronic version of a letter we are sending to you as well in hard copy from the State of California Tobacco Education & Research Oversight Committee (TEROC) regarding the Non-Advocate Review of the Office of Research and Graduate Studies, particularly as it pertains to the Tobacco-Related Disease Research Program. Our committee was advised at our meeting last week that any comments from external organizations about the Non-Advocate Review were needed as soon as possible. As Columbus Day is a holiday observed by the U.S. Postal Service, I wanted to make sure that TEROC's comments were received as expeditiously as possible.

Sincerely,

Michael Ong, M.D., Ph.D.  
Chairperson, State of California Tobacco Education & Research Oversight Committee

Assistant Professor in Residence  
Division of GIM & HSR  
UCLA Department of Medicine  
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**STATE OF CALIFORNIA**  
**TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE**

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University of California, San Francisco

October 12, 2009

Mark G. Yudof  
Office of the President  
University of California  
1111 Franklin Street, 12<sup>th</sup> Floor  
Oakland, CA 94607

Re: Non-Advocate Review of Office on Research and Graduate Studies

Dear President Yudof:

As you are aware, the Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee (California Health and Safety Code Sections 104365-104370) that monitors the use of Proposition 99 tobacco tax revenues for tobacco control and prevention education and for tobacco-related research. This includes the functions of the University of California's Tobacco-Related Disease Research Program (TRDRP).

As part of this mandate, TEROC has been closely monitoring the reorganization of the Office of Research and Graduate Studies (ORGS) and progress towards the goal of gaining efficiencies within the Research Grant Programs Office (RGPO). At our meeting on October 6, 2009, we received a TRDRP update that included information on the reorganization of ORGS, updates on the RGPO, and the pending organizational review by a Non-Advocate Review (NAR) committee. TEROC has identified several areas of concern, including the composition of the committee and staffing issues, which we believe require attention.

TEROC is concerned that the proposed composition of the NAR committee does not reflect an adequate depth of experience in the areas of health sciences, public health and tobacco control. We would strongly encourage you to consider adding additional members that would broaden the expertise of the NAR committee. We understand that TRDRP's Scientific Advisory Committee (SAC) has identified two candidates as potential new reviewers: Steven Schroeder, MD and David M. Burns, MD. These candidates would bring extensive expertise in medical research and public health to the review process. The appointments of Dr. Schroeder and Dr. Burns to the NAR committee would address TEROC's concern that the committee currently lacks the experience to consider issues unique to TRDRP and its role in tobacco control efforts in California, and we urge you to act accordingly.



President Yudof  
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We also urge the NAR committee to consider TRDRP's legislative mandate and TEROC's current Master Plan, *Toward a Tobacco-Free California 2009-2011: Endangered Investment*, in evaluating programmatic requirements, needs and efficiencies. Any reorganization that would impact TRDRP's ability to meet its mission would be of great concern to TEROC. As outlined in our current Master Plan:

*TRDRP should continue important research dissemination and work in collaboration with the (California Department of Public Health/California Tobacco Control Program) and (California Department of Education/Safe and Healthy Kids Program Office) .... UCOP should also seek stakeholder input regarding any organizational changes that would alter TRDRP's mission, as set forth by legislation.*

TEROC also believes that the impact of staffing policies and vacancies on TRDRP's legislative mandate, as well as program operations and efficiencies should be taken into account in the review process. As outlined in our letter of July 7, 2009, TEROC believes that the absence of a permanent TRDRP Director compromises the administration of this vitally important program, and breaches the legislative mandate.

We welcome your commitment to hiring an Executive Director of RGPO, as outlined in your letter of July 21, 2009. We also look forward to progress on addressing the issue of a dedicated TRDRP Director. TEROC also again wishes to convey our appreciation for the efforts and commitment of Dr. George Lemp as Interim Director and Dr. Bart Aoki as Interim Associate Director of TRDRP.

However, we are also concerned that TRDRP staff and operations have been impacted by the imposition of UCOP hiring freezes and continue to be impacted by staff furloughs. Since TRDRP has its own dedicated funds through Proposition 99, and these funds cannot be applied for other purposes, we find it difficult to understand why TRDRP staff should be subject to these policies.

We understand that TEROC's concerns are largely in accord with concerns expressed by TRDRP's SAC, and that a SAC representative will be invited to make a presentation to the NAR committee. We would encourage you and NAR members to appreciate the benefits that this type of input provides to the review process.

TEROC continues to acknowledge the many positive developments at TRDRP, and your continued support. As TEROC is mandated to report each calendar year by January 1 to the Legislature its assessments and recommendations for all programs funded by Proposition 99, we look forward to working with you to address TEROC's concerns prior to the generation of our upcoming report. TEROC's final meeting for the

President Yudof  
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year will be held on December 1, 2009. If you have any questions, please feel free to contact me at (310) 794-0154 or [mong@mednet.ucla.edu](mailto:mong@mednet.ucla.edu).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Ong', with a large, sweeping flourish at the end.

Michael Ong, M.D. Ph.D.  
Chairperson

Cc: Steven Beckwith, Ph.D.;  
Arthur Ellis, Ph.D.;  
Lawrence Pitts, M.D.;  
Randall S. Stafford, M.D., Ph.D.

**Baird, Glen (CDPH-CDIC-TCS)**

**From:** Ong, Michael M.D. [MOng@mednet.ucla.edu]  
**Sent:** Wednesday, October 14, 2009 5:32 PM  
**To:** Ong, Michael M.D.; 'gene@olsonhagel.com'; 'info@olsonhagel.com'  
**Cc:** Baird, Glen (CDPH-CDIC-TCS); Watkins, Hope  
**Subject:** RE: Comments regarding the California Cancer Research Act  
**Attachments:** TEROC Ltr\_Hill\_101409.pdf

Sorry for the misspelling! We've redirected it to the correct account here. Best, Michael

**From:** Ong, Michael M.D.  
**Sent:** Wednesday, October 14, 2009 5:17 PM  
**To:** 'tene@olsonhagel.com'; 'info@olsonhagel.com'  
**Cc:** 'Baird, Glen (CDPH-CDIC-TCS)'; Watkins, Hope  
**Subject:** Comments regarding the California Cancer Research Act

Dear Mr. Hill,

Please find enclosed an electronic version of a letter we are sending to you as well in hard copy from the State of California Tobacco Education & Research Oversight Committee (TEROC) regarding the proposed California Cancer Research Act. Our committee was advised at our meeting last week that any comments from external organizations regarding the proposed initiative were needed as soon as possible. We will also be enclosing a copy of TEROC's most recent Master Plan for tobacco control efforts, tobacco-use prevention education, and tobacco-related disease research in California. As it is an 11 MB file, it can also be accessed at this location: <http://www.cdph.ca.gov/services/boards/teroc/Documents/TEROCMasterPlan09-11.pdf>.

Sincerely,

Michael Ong, M.D., Ph.D.  
 Chairperson, State of California Tobacco Education & Research Oversight Committee

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**TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE**

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University of California, San Francisco



October 14, 2009

N. Eugene Hill  
Olson, Hagel and Fishburn, LLP  
555 Capitol Mall, Suite 1425  
Sacramento, CA 95814-4602

Re: California Cancer Research Act Initiative Proposal

Dear Mr. Hill:

I am writing to express the concerns of the Tobacco Education and Research Oversight Committee (TEROC) relating to the California Cancer Research Act Initiative Proposal submitted to the Office of the Attorney General on September 22, 2009. TEROC is a legislatively mandated oversight committee (California Health and Safety Code Sections 104365-104370) that monitors the use of Proposition (Prop) 99 tobacco tax revenues for tobacco control and prevention education and for tobacco-related research.

The successful passage of Prop 99 in 1988 led to an increase of 25 cents per pack to the excise tax for cigarettes. In the two decades that have followed, Prop 99 tobacco control funds have resulted in:

- A 35 percent decrease in adult smoking prevalence.
- A 61 percent decline in per capita cigarette consumption.
- A decrease in lung cancer incidence at over three times the rate of decline seen in the rest of the nation.
- A cumulative savings of \$86 billion in healthcare expenditures from 1989 to 2004.

However, the health burden from cigarette smoking and other uses of tobacco in California continues to be high, as outlined in the Findings and Declarations section of the proposed initiative statute. TEROC supports a further increase in the price of tobacco to decrease consumption. However, TEROC believes that California's ability to build upon twenty years of achievement towards a tobacco-free state requires commitments to both raising the price of tobacco and to sufficiently funding comprehensive tobacco control programs.

The current Master Plan of TEROC, *Toward a Tobacco-Free California 2009-2011: Endangered Investment* was presented to the California Legislature in January 2009, in accordance with our mandate. The Master Plan concludes that California's tobacco control movement has become

N. Eugene Hill  
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threatened by funding declines and increased costs, creating an "Endangered Investment" that threatens past achievements and future progress in addressing the nearly four million youth and adult smokers in California.

Since 1988, California has dropped from 1<sup>st</sup> to 31<sup>st</sup> in tobacco taxes and tobacco control programmatic spending compared to other states. The price of tobacco in California has remained unchanged for the past ten years, and California ranked 25<sup>th</sup> in the nation in 2008.

TEROC believes that any excise tax increase must also provide increased funding for tobacco control efforts in California. We are concerned that the cigarette excise tax increase of \$1.00 per pack as proposed in the initiative statute submitted to the Office of the Attorney General includes an insufficient allocation for tobacco control, which encompasses both prevention and smoking cessation. The Master Plan asserts that raising the price of tobacco:

*is a vital tobacco control strategy that must allocate a significant amount (at least 16.67 percent) to tobacco control to accelerate progress in California. Furthermore, as a tobacco tax is a declining revenue source, TEROC supports efforts to minimize funding declines by providing backfill and including periodic tax adjustments to offset inflation.*

Tobacco excise tax increases are the most powerful intervention available to decrease cigarette consumption and smoking prevalence. The Master Plan's established goal is to achieve a smoking prevalence of 10 percent among adults and 8 percent among high school age youth by the end of 2011 (the 2008 tobacco use prevalence for adults was 13.3 percent, and the 2008 high school smoking prevalence was 14.6 percent). To help achieve this goal, the Master Plan calls for an increase of the tobacco excise tax of at least \$1.50 per pack, with at least \$0.25 earmarked for comprehensive tobacco control, education and research. This would allow efforts to focus more on prevention and social norm change, and not merely cessation efforts.

In analyzing the impact of an excise tax increase at the level recommended in the Master Plan, the California Department of Public Health (CDPH) estimates that a tax increase of \$1.50 would decrease the adult smoking prevalence to 12.5% and decrease the high school age youth smoking prevalence to 11.7%. This would represent almost a quarter of a million fewer smokers in California. Because young people have less disposable income and are less addicted, they are particularly sensitive to price increases. Additionally, a \$1.50 tax increase would prevent 330,000 youth from starting to smoke. CDPH estimates that approximately 130,000 California smoking-related deaths would be prevented. A \$1.50 tax increase would also save the state of California and individuals an estimated total of \$7.8 billion in health care expenses. A smaller tax increase, as proposed, would have similar effects that would be smaller in magnitude.

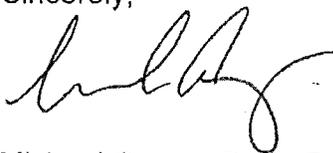
Revenues generated by an earmark as recommended in TEROC's Master Plan would more adequately fund comprehensive tobacco control efforts in California. This would further reduce the number of Californians dying from cancer and other tobacco-related illnesses.

N. Eugene Hill  
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TEROC appreciates the leadership and commitment to cancer prevention and treatment demonstrated by the authors of the proposed initiative statute. However, we urge you and your colleagues to consider revising the proposed initiative statute to include the allocation of an adequate percentage of excise tax revenues to tobacco control, together with the provision of backfill and adjustments for inflation.

If you have any questions, you may contact me at (310) 794-0154 or [mong@mednet.ucla.edu](mailto:mong@mednet.ucla.edu).

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Ong', written in a cursive style.

Michael Ong, M.D. Ph.D.  
Chairperson

Encl: *Toward a Tobacco-Free California 2009-2011: Endangered Investment, Master Plan of TEROC*

## Baird, Glen (CDPH-CDIC-TCS)

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**From:** Ong, Michael M.D. [MOng@mednet.ucla.edu]  
**Sent:** Tuesday, November 03, 2009 4:49 PM  
**To:** rstafford@stanford.edu; Serena Chen; fbk; Sara Courtneidge; Cowling, David (CDPH-CDIC); Fred Grannis; Paul Murata; mnewhoff@mail.sdsu.edu; Geri Padilla; Statice Wilmore; Baird, Glen (CDPH-CDIC-TCS); Watkins, Hope  
**Cc:** Larry Green; Bart Aoki; George Lemp; Phillip Gardiner; MF Bowen; Kamlesh Asotra; Teresa Johnson; Klaus Porzig; Constance A. Benson, MD; Jim Ford  
**Subject:** RE: UCOP Non-advocate Review and Letter from Yudof

Thank you for the detailed update regarding the meeting last week. We will likely set aside substantial time to discuss the Non-Advocate Review and TRDRP at the upcoming TEROOC meeting that will be held December 1st in Los Angeles. As always, we welcome external comments either at the meeting or through correspondence.

Best,

Michael

Michael Ong, M.D., Ph.D.  
Chairperson, Tobacco Education and Research Oversight Committee

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November 5, 2009

Donald O. Lyman, M.D., Chief  
Chronic Disease and Injury Control Division  
California Department of Public Health  
MS 7200  
P.O. Box 997377  
Sacramento, CA 95899-7377

CHIEF, CALIFORNIA TOBACCO CONTROL PROGRAM

Dear Dr. Lyman:

As you are aware, the Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee (California Health and Safety Code Sections 104365-104370) that monitors the use of Proposition 99 tobacco tax revenues for tobacco control and prevention education and for tobacco-related research. This includes the functions of the California Department of Public Health, California Tobacco Control Program (CTCP).

We understand that approval has been granted for CTCP to become a Branch within the Division of Chronic Disease and Injury Control, and that the position of CTCP Branch Chief has been through many iterations during this process. It has come to TEROC's attention that announcements have been made regarding the recruitment of a CTCP Chief, and initial indications were that eligibility was to be restricted to physician candidates. Subsequently, TEROC members received advice that a wider recruitment search was planned. Since an organizational chart has not been finalized it remains unclear what civil service classification has been attached to the position.

We strongly endorse the decision to elevate CTCP to Branch status. However, we encourage you to conduct a wide recruitment effort and consider a broad set of appropriate professional training and experience in searching for a CTCP Chief. We believe eligibility for the CTCP Chief should not be restricted to physician applicants but should be open to applicants from a wider range of professional disciplines to identify the best possible professional leadership for the program. We trust that as part of this broad recruitment effort, it would be possible to retain flexibility in determining the final pay scale depending on the professional qualifications of the successful appointee.



Donald O. Lyman, M.D.  
Page 2  
November 5, 2009

We look forward to receiving information on the new position and plans for recruitment. If you have any questions, you may contact me at (310) 794-0154 or [mong@mednet.ucla.edu](mailto:mong@mednet.ucla.edu).

Sincerely,



Michael Ong, M.D., Ph.D.  
Chairperson

cc: Mark B Horton, MD, MSPH  
Director  
California Department of Public Health  
MS 0500  
P.O. Box 997377  
Sacramento, CA 95899-7377

Linda Rudolph, M.D., M.P.H.  
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