

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)**  
Meeting on Tuesday, October 6, 2009  
Hilton Garden Inn San Francisco/Oakland Bay Bridge  
1800 Powell Street  
Emeryville, CA 94608

**MEMBERS PRESENT:**

Michael Ong (Chair), Lourdes Baézconde-Garbanati, Wendell Brunner, Lawrence Green, Alan Henderson, Pamela Ling, Dorothy Rice, Peggy Uyeda, and Valerie Yerger

**MEMBERS ABSENT:**

**OTHERS IN ATTENDANCE:**

Bart Aoki, Tobacco-Related Disease Research Program (TRDRP), University of California Office of the President (UCOP)  
Majel Arnold, California Department of Public Health (CDPH), California Tobacco Control Program (CTCP)  
Glen Baird, CTCP  
Tonia Hagaman, CTCP  
Rich Heintz, Local Lead Agencies (LLA) Project Directors Association  
Tom Herman, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)  
John Lagomarsino, SHKPO, CDE  
Bruce Lee, California Department of Finance (DOF)  
George Lemp, TRDRP, UCOP  
Carol McGruder, URSA Institute  
Hye-Youn Park, CTCP  
April Roeseler, CTCP  
Nadine Roh, CTCP  
Alecia Sanchez, American Cancer Society (ACS)  
Colleen Stevens, CTCP

**1. WELCOME, INTRODUCTION, AND OPENING COMMENTS**

TEROC Chairperson Michael Ong called the meeting to order at 9:40 a.m.

**2. APPROVAL OF MINUTES FROM JUNE 23, 2009 TEROC MEETING, CORRESPONDENCE, AND ANNOUNCEMENTS**

There were no changes required for the minutes of the June 23, 2009 meeting. (Acceptance of Minutes moved by Dorothy Rice, seconded by Lourdes Baézconde-Garbanati, motion carried unanimously.)

The Chair reviewed TEROC-related correspondence:

**Outgoing Correspondence:**

- Letter to the authors of Senate Bill (SB) 600 (Padilla/Steinberg) dated June 26, 2009, outlining support for the \$1.50 per pack tax increase. A copy was distributed to all legislators, the Governor, and the Senate Revenue and Taxation Committee.
- Letter to University of California (UC) President Yudof dated July 7, 2009, concerning the vacant position of TRDRP Director.
- Letter to UC President Yudof dated July 7, 2009, urging UC support of SB 600.
- Letter to Mac Taylor, Legislative Analyst's Office (LAO) dated July 29, 2009, addressing the LAO recommendation to reduce the Tobacco Use Prevention Education (TUPE) funding (Dr. William McCarthy's earlier correspondence included as an attachment.)

**Incoming Correspondence:**

- Reply from UC President Yudof dated July 21, 2009, to TEROC's letter of July 7, 2009, regarding the vacant position of TRDRP Director. The Chair highlighted UC President Yudof's plans to fill the TRDRP position once the position vacated by Larry Gruder, Executive Director, Research Grants Program Office (RGPO) has been filled. No time frame was provided. It was clarified that Larry Gruder formerly held the positions of both Executive Director, RGPO and also Director, TRDRP. Discussion ensued on Steve Beckwith's role in recruiting and oversight, the tobacco expertise required for the respective positions, challenges for TEROC's oversight role, and prior difficulties in hiring a TRDRP Director. The Chair held over further discussion until after TRDRP's presentation to TEROC.
- Reply from UC President Yudof dated July 22, 2009, to TEROC's letter of July 7, 2009, urging UC support of SB 600. The reply indicated that President Yudof is not able to personally advocate for specific research programs in his role as UC President. Discussion ensued on the language in the letter referring to his inability to advocate for the bill "as currently written." The Chair indicated he had forwarded a copy of the outgoing correspondence to the external affairs group for UC in Sacramento, who may have coordinated the reply.
- Letter from Margie Billings, Project Coordinator, Middle School TUPE, Glendale Unified School District, dated June 22, 2009, outlining the benefits from TUPE in their schools.
- CDPH's analysis of the impact of a \$1.50 tobacco tax increase on cessation, prevention and lives saved, forwarded on June 25, 2009, as requested by TEROC at the prior meeting. The Chair indicated the analysis assisted in the preparation of correspondence relating to SB 600.

- Results of Statewide Voter Survey on Tobacco Taxes by Fairbank, Maslin, Maullin and Associates, together with press release from voluntary agencies, forwarded on July 1, 2009, and demonstrating wide support for tobacco taxes.
- E-mail from Lisa Murawski, Fiscal and Policy Analyst, LAO, dated August 24, 2009, in response to TEROC's correspondence to LAO of July 29, 2009, regarding the LAO recommendation to defund TUPE. The e-mail restated that the recommendation was based on a lack of positive evidence associating TUPE implementation and student smoking behavior. The Chair commented on the difference between finding a lack of evidence and drawing conclusions of ineffectiveness. CDE staff clarified that there were no further developments regarding this issue. The Chair indicated he did forward the response to Dr. McCarthy. Discussion was held over until the CDE presentation to TEROC.
- E-mail from Edana Fielden, Media Specialist, CTCP, dated September 14, 2009, regarding 20 years of service to CTCP by April Roeseler and Colleen Stevens. The Chair invited members to discuss how best to acknowledge their contributions.

**Action Items:**

- Alan Henderson moved that TEROC write a letter to all CTCP founders who made a major contribution to CTCP acknowledging that contribution, and that TEROC prepare certificates for framing for April Roeseler and Colleen Stevens for their contribution to 20 years of tobacco control in California (seconded by Lourdes Baézconde-Garbanati, motion carried unanimously).
- E-mail from Alan Henderson forwarding details of a proposed initiative statute, the California Cancer Research Act, filed with the Attorney General on September 22, 2009, and suggesting a CTCP analysis. Dr. Henderson indicated he had been working on an analysis and commentary for ACS. Discussion was held over to the Legislative Update agenda item.

**3. ENVIRONMENTAL DEVELOPMENTS**

- **Senate Revenue and Taxation Committee Bill Analysis: SB 600**  
The Chair noted that TEROC's correspondence to the authors of SB 600 was considered in the Senate Revenue and Taxation Committee and several points were included in the Committee's Bill Analysis, with TEROC listed as a supporter of the Bill.
- **Cigarette Taxes and Smuggling**  
In response to SB 600 and discussion on increasing the tobacco excise tax, critics cite a 2008 report from the Mackinac Center for Public Policy on Cigarette Taxes and Smuggling (<http://www.mackinac.org/archives/2008/s2008-12.pdf>). The report asserts that of California's total cigarette consumption, 10.7 percent is

from casual smuggling, 8.0 percent is from commercial smuggling and smuggling from Mexico represents an additional 15.5 percent.

It was agreed to invite a Board of Equalization representative to update TEROC at a future meeting on tax stamps and other actions that may be addressing these issues.

- **Legal Challenge to new Federal Legislation**  
R.J. Reynolds Tobacco, Lorillard, and Commonwealth Brands filed a suit regarding free speech and marketing restrictions.
- **Ban on Flavored Cigarettes**  
The Food and Drug Administration (FDA) has announced the implementation and enforcement of the flavored cigarettes rule outlined in the Family Smoking Prevention and Tobacco Control Act (the Tobacco Act). The flavored cigarette ban does not apply to menthol cigarettes. However, the FDA is currently examining options for regulating menthol, and members discussed ongoing monitoring of this issue.
- **FDA Extends Comment Period for Family Smoking Prevention and Tobacco Control Act**  
The period for comments on the implementation of the Tobacco Act has been extended to December 28, 2009, allowing TEROC to discuss a response. Members discussed the marketing of menthol, the composition of the advisory board, the pros and cons of having advisory board meetings closed to non-voting members, ratification of the Framework Convention on Tobacco Control by the Senate Foreign Relations Committee, loopholes in anti-preemption provisions, and any constraints on TEROC commenting on national policy. Members agreed to place the preparation of comments regarding the FDA tobacco control legislation on the December 1, 2009 TEROC agenda, and to use the Master Plan (MP) as a framework, including limiting and regulating the products, activities and the influence of the tobacco industry.
- **Secondhand Smoke (SHS) Study**  
Two research studies (David Meyers, University of Kansas/Stanton Glantz and Jim Lightwood, UCSF) found a decrease in heart attacks of an average of 17 percent after one year in communities where smoking bans had been adopted. After three years, Lightwood and Glantz report an average reduction of 36 percent, while Meyers reported a 26 percent decrease.
- **San Francisco Cigarette Litter Abatement Fee**  
San Francisco supervisors approved a 20-cent per pack fee on cigarettes from October 1, 2009, to help pay for the city's cleanup of discarded butts.
- **San Francisco Pharmacy Ban Upheld**  
San Francisco can continue to ban tobacco sales in pharmacies, after the proposal was upheld by the ninth U.S. Circuit Court of Appeals.
- **Robert Wood Johnson Report**  
Robert Wood Johnson, through the Substance Abuse Policy Research Program, released a report highlighting new directions for tobacco and

substance abuse research. The report is available as a download from their web site at <http://www.rwjf.org/pr/product.jsp?id=49188>.

Members discussed progress towards having new TEROC Members confirmed and it was suggested that three new members may be confirmed by the December 1, 2009 meeting, bringing the membership total to 12. The legislatively mandated membership is 13.

#### **4. LEGISLATIVE AND TOBACCO POLICY UPDATE**

Alecia Sanchez of ACS introduced herself and presented on the status of legislation at the close of the legislative session last month. A Legislative Update from the Center for Tobacco Policy and Organizing was also distributed.

Legislation discussed included:

- SB 600 (Padilla/Steinberg) proposed an increase in the tax on tobacco products by \$1.50 per pack. The bill advanced further than any bill on a tobacco tax in many years, and was passed out of three Senate committees (Health, Revenue and Taxation, and Appropriations). It was also the first time in six years that any tax bill had been placed on the suspense calendar by the Revenue and Taxation Committee and then removed and voted on. The bill now remains in the Senate Rules Committee and could be pursued next year but the political landscape remains uncertain, despite the known public support for tobacco taxes. The voluntary health agencies campaigned heavily both at a grassroots level and at the Capitol, stressing the need for directing funds to tobacco control.
- Another tax increase proposal was packaged with other budget measures, including an oil severance tax. This was the first time in 16 years that a floor vote in both houses was taken on a tobacco tax measure, but it failed due to the two-thirds majority required for passage.
- Padilla also introduced SB 601, SB 602, and SB 603 dealing with tobacco retail licensing. All issues were subsequently rolled into SB 603 (prohibiting licenses for non-traditional retailers, increasing state retail license fees, eliminating the trigger for pursuing violators, changing the violation structure, and prohibiting retail licenses with certain distances from schools.) Ms. Sanchez indicated discussion of the Bills had been complicated by the number of issues and operational questions. In late June, the California Retailers Association lobbied to weaken the bill by including a very broad definition of traditional retailers and introducing preemption regarding this definition and the distance provisions. While amended bill language was only released days before a Committee hearing, the voluntary health agencies worked hard to get information from local communities to the legislature and were successful in influencing Padilla to drop the bill.

- The following bills were sent to the Governor:
  - AB 574 (Hill) requiring smoke-free hospital campuses. Ms. Sanchez clarified the definition referred to acute care hospitals.
  - AB 625 (Lieu) banning novelty lighters. This was conceived as a fire prevention measure.
  - SB 400 (Corbett) adding e-cigarettes as a tobacco substitute to the Stop Tobacco Access to Kids Enforcement Act requirements prohibiting sales to minors. It was then amended to clarify the authority of the CDPH, Food and Drug Branch to enforce a sales prohibition in the absence of FDA regulation pertaining to e-cigarettes as drug delivery devices. Senate Joint Resolution 8 (Corbett) requested the FDA to prohibit the sale prior to safety determinations but the resolution was stalled in the Assembly Governmental Organization Committee. It could be pursued next year.
- SB 4 (Oropeza), creating smoke-free state beaches and parks, was held on the Assembly floor.
- SB 364 (Flores), prohibiting Cancer Center leadership from also holding a leadership position for a tobacco company, was also held on the Assembly floor.

Ms. Sanchez responded to several questions on the future of SB 600. Poll results indicate support of a tobacco tax could sway choices between candidates. While polls suggested this is true for both parties, Members discussed whether this would be true for Republican primary elections. Ms. Sanchez discussed tobacco industry pressure through mailings to voters in the districts of Senators Padilla and Leno which provided an opportunity for a press conference outside Philip Morris' offices in Pasadena.

Ms. Sanchez discussed the California Cancer Research Act Proposed Initiative Statute filed on September 22, 2009, (ACS was not involved). Senator Perata is behind the initiative and has assembled a team of advisors that could assist in funding needs. Funds are allocated to research (50 percent), facilities (40 percent), cessation (5 percent), and administration (5 percent). A new oversight committee would also be formed. ACS has expressed concerns to Perata regarding the lack of a backfill for existing tobacco tax funds, the lack of funding for tobacco control and prevention efforts, the likely lack of public support for the creation of any new body, the small size of the tax increase (\$1 per pack), and the large amount included for facilities. A recent Texas cancer research bond allocated only two percent for facilities. Dr. Henderson expressed concerns over the policy and decision-making functions ascribed to the oversight committee, and its composition.

Discussion ensued on a TEROC response to the initiative. To make the November 2010 ballot, the initiative would likely need to be finalized by November 2009. In response to questions, Ms. Sanchez commented that it

would be difficult to judge whether this initiative would displace SB 600. The initiative contains no general fund allocations, while SB 600 would allocate 85 percent to the general fund.

**Action Item**

The Chair moved that TEROC request CTCP to prepare an analysis of the ballot initiative focused on:

- The impact of a \$1 per pack price increase on Proposition (Prop) 99 funds
- The impact of a \$1 per pack price increase on smoking prevalence
- The impact of the initiative's allocation of five percent of funds to a Smoking Cessation Fund.

Seconded by Alan Henderson, motion carried unanimously.

**Action Item**

The Chair moved that TEROC write a letter to Eugene Hill outlining TEROC's concerns regarding the initiative and including a copy of the MP. Seconded by Dorothy Rice, motion carried unanimously.

The Chair thanked Ms. Sanchez for her presentation and efforts.

**5. BUDGET UPDATE**

Mr. Bruce Lee from DOF provided a recap of the Prop 99 funds for the 2008-09 and 2009-10 Budget years:

- Adjustment to 2008 Appropriations (Expenditures) between January and the May Revision:
  - A decrease in funding by \$3.7 million for Access for Infants and Mothers (AIM) Program due to caseload decreases
- Governor's Budget 2009-10: Prop 99 Expenditures
  - Mr. Lee indicated that the \$60 million for orthopedic hospitals under discussion in 2009-10 budget negotiations was reduced to \$50 million, funded largely through elimination of county health programs and reductions in other health programs

Discussion ensued on variations that occur within the budgets for a particular year. Mr. Lee discussed the independent operation of the six Prop 99 accounts. The rollover of funds may provide additional funds to an account in any given year, and expenditure estimates based on program caseloads may lead to budget deficits or surpluses if caseloads vary from estimates. Requests for additional funds may then be considered. He confirmed that decreases in Prop 99 revenues are due to declines in tobacco use rather than the "raiding" of funds for other programs.

Ms. Lee was asked how decisions are made on expenditures from the Unallocated Account. He indicated that the Unallocated Account is a relatively small percentage of total funds and all funds from that account are expended each year. He indicated new revenue projections will be available in approximately one month and continued decline in revenues is likely. The desire for enhanced funding for certain programs will continue, yet a neutral balance must be maintained. Members stressed the importance of enhanced funds for programs that are effective and directly address Prop 99 objectives, such as the media campaigns and competitive grants. Mr. Lee confirmed that there had been no actual reduction to those programs and funding was retained at existing levels with the removal of the approved CDPH budget change proposal.

Mr. Lee reported that there was only one passing reference to the tobacco tax on the report from the Commission on the 21st Century Economy.

The Chair thanked Mr. Lee for his presentation.

## **6. UNIVERSITY OF CALIFORNIA–TOBACCO-RELATED DISEASE RESEARCH PROGRAM REPORT**

The TRDRP report was provided by Mr. Lemp and Mr. Aoki. For the new TRDRP-funded Tobacco Policy Research Initiative, funding for the Collaborative Research Process commenced on July 1, 2009. A second agency, stakeholder and researchers meeting was held on August 5, 2009, to discuss the scope and timeline of research and the dissemination process. The funded team includes Stanton Glantz, Wendy Max, Jim Lightwood, Hai-Yen Sung, John Pierce, and Karen Messer. The team has three different approaches and research models. To meet near-term policy needs, the initiative was to produce interim research on:

- Aggregate short-term estimates of the effect of the California Tobacco Control Program
- Estimates of smoking behavior over time
- Estimates of annual costs for diseases known to be caused by smoking in different groups.

This research was provided to TRDRP on October 1, 2009, and was submitted to an External Scientific Monitoring Committee for a review webinar on October 15, 2009. It is anticipated a report will be distributed to TERO in November-December. The final product, to be submitted to TRDRP by late Summer 2010, with review and distribution in Fall 2010, will focus on:

- An analysis of the impact of CTCP on population level smoking trends, including among different population subgroups
- An estimation of the economic impact of changed smoking prevalence

In response to questions, Mr. Lemp indicated that the research team would need to determine how results from the three research models would be

merged and reported. An External Scientific Monitoring Committee will also provide recommendations. Mr. Lemp indicated he would provide TEROC a list of members of the External Scientific Monitoring Committee.

Mr. Lemp clarified that the impact being studied includes health impacts leading to economic impacts. Discussion ensued on the different groups being addressed and the different methods being used. Mr. Lemp confirmed the researchers had applied for and been awarded the grant as a single team. A question was asked on whether the impact of survey methodology on data results for various populations may be taken into account. Mr. Lemp commented that Ursula Bauer from the External Scientific Monitoring Committee has expertise in data collection and diverse populations. Mr. Lemp indicated another stakeholders meeting is planned for December 2009.

Mr. Lemp outlined potential new TRDRP initiatives. Beginning in 2009-10, TRDRP plans to launch:

- Environmental tobacco exposure and public health risk assessment, which may include
  - Indoor air quality research: thirdhand smoke exposure and health effects
  - Water quality research: water contamination with cigarette butts—effects on aquatic life and humans
- Lung cancer early detection

Beginning in 2010-11, TRDRP plans to launch a Tobacco-related Disparities among African Americans in California initiative.

The first researcher and stakeholder meeting regarding the Environmental Tobacco Exposure initiative is to be held October 7, 2009, which follows approval by TRDRP's Scientific Advisory Committee. Mr. Lemp defined thirdhand smoke, discussed sites of exposure, and shared current research data. He was asked about collaboration with the breast cancer control movement and he indicated input could be invited from the Breast Cancer Program. In response to a budget question, Mr. Lemp indicated that funds are being drawn from carry-forward funds and additional resources and funds are not being diverted from other grant program budgets.

Mr. Lemp shared data from water quality research which suggests that one smoked butt with tobacco per liter is sufficient to kill 50 percent of some fish species. He discussed objectives of the initiative, including policy implications. A Call for Proposals is projected for April-May 2010.

Mr. Lemp discussed the Lung Cancer Early Detection initiative. He shared data on lung cancer mortality, early detection and survival rates, and research

funding comparisons. He outlined new leading-edge technologies for early detection and an implementation timeline.

The Office of Research and Graduate Studies (ORGS) transitions were recapped. The new UC Grants unit of RGPO, which is to contain four programs and three Full-time Equivalents (FTEs), remains unstaffed. It has been decided the UC Grants unit will have no Director and the three content initiative specialists will report directly to RGPO's Executive Director. The other three Special Research Programs, including TRDRP, are currently staffed below budgeted FTE levels. The work that would be performed by staff in the UC Grants unit is being performed within the new Program Award Administration Center, the Program Application and Review Center, and a new Centralized Administrative and Financial Services unit, which compromises the ability of those units to support the three Special Research Programs, including TRDRP.

Mr. Lemp indicated that recruitment efforts for the RGPO Executive Director (expanded from Larry Gruder's former position) have just commenced.

An update of TRDRP operating costs for FY 2007-08 to 2009-10 (projected) was presented, including the \$1.4 million reduction in Prop 99 funding:

- Total Operating Cost savings of \$560,000 from the reorganization.
- The Proportion of Operating to Total Costs was adjusted up to a projected 9.91 percent in 2009-10 (due to the budget cut)

Areas highlighted where costs have been reduced included:

Total Personnel costs declining from \$1,240,033 to \$1,054,130. The relative proportions of these costs have shifted from program personnel towards the recharges for the other support groups. Vacancies and furloughs are contributing to this trend.

Mr. Lemp provided a handout relating to the Non-Advocate Review (NAR) of RGPO reorganization that UC President Yudof had outlined in correspondence to TERO in 2008. A meeting is planned for October 27, 2009, and a report will follow. A NAR Committee membership list was included in TRDRP's materials for members. Discussion ensued on the composition of the NAR Committee and the absence of tobacco control experts.

Members expressed concern over the Lung Cancer Early Detection proposal as heading in a direction counter to that of health promotion and disease prevention efforts. Having community-based participatory research expertise on the NAR Committee was considered to help protect the goal of advocating for research supporting policy change and prevention.

Mr. Aoki was asked how new research initiatives are identified and how they are coordinated with other TRDRP grant processes and research activities. He indicated that with the UC reorganization, some of the transactional work that TRDRP staff has undertaken in the past will be consolidated in the other units. Staff with tobacco-related content expertise are now more able to assume a leadership role, including identifying emerging areas and taking responsibility for managing the investigatory processes with a scientific perspective. The importance of retaining this type of tobacco-related expertise and leadership within TRDRP has been stressed throughout the reorganization process. Both staff-initiated proposals and externally-generated proposals are then subject to input from other scientists for review and final decisions.

Mr. Lemp indicated that funding for the standing mechanisms for investigator-initiated grants has been allocated and that an additional \$300,000 had been set aside annually for the policy initiative. Each of the two possible subsequent initiatives would require multi-million dollar budgets, but allocating these funds would facilitate the aim of moving more of the basic science portfolio to applied science. In response to questions, Mr. Lemp indicated the Lung Cancer Early Detection initiative was motivated by the low (15 percent) survival rate for lung cancer, and that the later timeline for the African American initiative was largely based on workload considerations since staff leading that initiative are currently committed to the policy initiative. Appointing a fourth Research Administrator (a position which has been filled in the past) would be desirable but budget and staffing reductions have made that difficult.

Mr. Lemp was asked what has been the major challenge in the reorganization and he indicated the hiring freeze and lay-offs leading to the absence of any FTEs in the UC Research unit and low staffing levels in the support groups is compromising operations. This includes delays with the transfer of TRDRP transactional responsibilities to the support groups and software integration for grants management.

Mr. Aoki added that the SRPs formerly reported to the Office of Health Affairs. The move into a Research Office that had been driven primarily by industrial and technological sciences means the SRPs must work to educate the organization that public health is a different endeavor from engineering.

Discussion ensued on the reorganization and criteria for the NAR. Mr. Lemp indicated that one representative of each SRP advisory council was invited to make a presentation to the NAR Committee and Randy Stafford, TRDRP SAC Chair, is planning to attend. He also indicated TRDRP SAC was drafting a letter addressing the composition of the NAR Committee and recommending specific additional members with public health experience. The Breast Cancer Research Council is also submitting names. Members

agreed TEROC should obtain the names of the nominees TRDRP SAC is recommending and endorse their appointment.

**Action Item:**

The Chair moved that TEROC should write a letter to UC President Yudof and the NAR Committee Chair outlining TEROC's concerns regarding:

- The lack of health and tobacco experience in the composition of NAR and to support TRDRP SAC's recommended nominees
- The imposition of furloughs on Prop 99-funded TRDRP staff
- The lack of a dedicated TRDRP Director

Hearing no objections, the motion was carried by acclamation.

The Chair thanked Mr. Lemp and Mr. Aoki for their presentation.

**7. CALIFORNIA DEPARTMENT OF EDUCATION REPORT**

The CDE report was provided by Mr. Herman and Mr. Lagomarsino. They discussed implementation of AB 647 (the move to competitive grants). The Intent to Award for 2009-13 has been posted. Forty-two applicants were selected for 23 Tier 1 (typically smaller grants in multiples of \$12,000 in rural areas) and 19 Tier 2 awards (with award amounts based on \$50 per average daily attendance in the grades to be served). Only 15 grants, or 36 percent, were awarded to Southern California, but more applications were received from Northern California. Twenty counties have no active TUPE grants. A total of \$16,860,187 was awarded. More applicants achieved the minimum qualifying score (75 percent of available points) but an additional \$27,500,000 would have been required for funding all applicants that met this threshold. All Tier 1 applicants were funded. The total amount requested was approximately \$54,000,000.

Discussion ensued on certain awarded local education agencies (LEAs) not reflecting the demographics of the county (e.g., Alameda) and how to increase the competitive capacities of other LEAs. Mr. Herman indicated County Coordinators should be informing all their districts of the grant process. Mr. Lagomarsino indicated Oakland Unified School District had scored well but was not funded and that no other factors but final scores could be considered in this current award process, though discussions on other selection criteria to help eliminate disparities have occurred. It was suggested that a needs statement could be required from applicants that could be scored in the award process to better address demographics and prevalence rates.

Mr. Lagomarsino was asked how well the applications met the requirement to address TEROC Plan objectives, including reducing prevalence rates to eight percent. He indicated that he would need to review that issue. In the next Request for Applications (RFA) round, applicants will need to address all tobacco indicators in the Healthy Kids Survey, including the 30-day smoking prevalence rate, 30-day prevalence on school grounds, lifetime use, and

perceptions on tobacco use. From 2009, Healthy Kid Survey results will be disaggregated by ethnicity (self-reported) and gender which will contribute to identifying trends and needs within demographic groups.

Members asked if it would be possible in the future to be advised of the numbers of applications received by region and tiers. Other concerns expressed included funding multiple LEAs within one county while other counties receive no funding. It was confirmed that with over 1,000 school districts and 500 other LEAs (charter schools) in California, 1,500-1,600 agencies are eligible to apply. Only one charter school was awarded in this round (few are certified as tobacco-free). Consortiums coordinated by County Coordinators are encouraged. Mr. Lagomarsino confirmed that with \$12,000, awardees could buy research-validated programs but few positions could be funded. A priority with that level of funding would be to maintain tobacco-free policies.

Changes for the 2010 RFA round will include

- Returning to a three year cycle
- Requiring a one page abstract
- Competitiveness based on collaboration; needs assessment; program implementation and monitoring; and budget justification

A summary report of funded grant activities was requested. Mr. Lagomarsino indicated that since Progress Reports will be online, all details will be accessible to the general public.

CDE will be stressing the importance for all schools to administer the California Healthy Kids Survey irrespective of TUPE funding.

Guidelines on the non-acceptance of tobacco funding by grantees and a list of districts certified as tobacco-free have been posted. The prohibition also applies to pass-through agencies. Mr. Herman attended a meeting at the Governor's Office regarding their concerns over the non-acceptance of funds policy and the pass-through provisions, possibly following lobbying from the tobacco industry. There have been no developments since the meeting and CDE is not planning any policy revision.

Mr. Herman addressed LAO's response to the TERO letter concerning TUPE recommendations. He drew attention to the section of the e-mail welcoming the opportunity to review any new evidence. The Chair indicated he could check with Dr. McCarthy on when any additional data would be available to send to LAO regarding their concerns on TUPE effectiveness.

The Chair thanked Mr. Herman and Mr. Lagomarsino for their presentation.

**8. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA  
TOBACCO CONTROL PROGRAM UPDATE**

The CDPH program update was provided by April Roeseler, Acting Chief, CTCP. Ms. Roeseler discussed the following:

- The illegal sales rate from the 2009 Youth Tobacco Purchase Survey was 8.6 percent. This is the lowest rate achieved since 1995 (37 percent) when monitoring of the illegal sales rate to minors commenced. The more than 100 local Tobacco Retail Licensing ordinances with earmarked funding for enforcement have contributed to this decrease
- The Statewide Youth and Young Adult Advocacy, Training, and Technical Assistance Request for Proposals (RFP) was released to fund a youth and young adult (high-school youth, college-aged youth, and military) project to provide tobacco-related advocacy, educational materials, and technical support and training to CDPH and CTCP-funded projects. Proposals were due on September 18, 2009, and two proposals were received. A review meeting will be held on October 7, 2009.
- LLAs will soon write their Comprehensive Tobacco Control Plans for 2010-13. Dr. Brunner presented at the Communities of Excellence (CX) Indicators training and LLAs are now completing their community needs assessments.
- The new Materials Development Contract (formerly part of the Tobacco Education Clearinghouse of California contract) was awarded to the University of Southern California but a fully executed contract is still awaiting final approval from CDPH, Contracts Management Unit (CMU).
- The Competitive Grantee RFA 10-100 was released on August 20, 2009. This RFA will make \$5.7 million available each year for three years to fund approximately 38 local tobacco control intervention projects. The contracts for all current competitive grantees end on June 30, 2010, so all must apply now in this competitive bidding process for continued funding. With less funding available, fewer awards will be possible.
- The statewide advertising contract was awarded to Rubin Postaer and Associates (RPA). The statewide Public Relations (PR) RFP has now been released.
- Local Information and Education (I&E) Days are scheduled for the week of October 19-23, 2009. District Days provide the opportunity for staff of CTCP-funded projects to follow up with legislators and staff in their district offices.
- As part of the \$1.8 million CDC Cooperative Grant, CTCP is planning to convene Regional Forums. TEROC members will be invited to participate.
- CDC funds are also being used for a Health Practitioner Print Advertisement (Ad) Campaign in magazines targeting health care providers (family physicians, physician assistants, nurses, etc.) motivating them to talk to their patients about smoking and encouraging referrals to the California Smokers' Helpline. Ads will run from October 2009 through March 2010. CTCP conducted an online focus group test of five print ads from Ohio, New York, and California.

- The Center and TALC will host a Webinar for funded projects on October 20, 2009 on the new FDA legislation. New CX Indicators were created for use by local projects in response to the FDA legislation. These include the retail environment, banning flavored smokeless tobacco, menthol cigarettes, etc.

Dr. Brunner raised the recruitment of a CTCP Chief and an e-mail announcement he had received that outlined the requirement that the person appointed be a physician. He raised the need for a wide search and questioned whether a physician appointment would be required and would be the only fit for the position. Dr. Brunner reported he had contacted Linda Rudolph, M.D., M.P.H., Deputy Director, Center for Chronic Disease Prevention and Health Promotion, and she had assured him that a wider recruitment search was planned. Dr. Brunner asked Ms. Roeseler how the position was to be structured and how it would fit within CDPH.

Ms. Roeseler recapped how CDPH and the Department of Health Care Services had been split several years ago. CDPH has five centers and CTCP is now part of the Center for Chronic Disease Prevention and Health Promotion, which Dr. Rudolph oversees. Under the Center is the Chronic Disease and Injury Control Division, headed by Dr. Lyman. While Dr. Dileep Bal was the Branch Chief, CTCP was a Section within the Cancer Control Branch and did not have a prominent status. This has limited the management classifications within CTCP, despite a larger budget and larger number of staff than many Branches.

CTCP's request for Branch status, submitted approximately 18 months ago, has been approved. Since the Branch Chief position has been through many iterations and an organizational chart has not been provided, CTCP is not certain what personnel classification is being sought.

Dr. Brunner recommended TEROC encourage CDPH to conduct a wide recruitment effort with consideration of a broad set of appropriate professional training and experience to provide the best possible professional leadership for the program.

#### **Action Item**

Lawrence Green moved that TEROC write to Dr Lyman (cc: Dr. Rudolph and Mark B Horton, MD, MSPH, Director, CDPH) requesting eligibility for the CTCP Chief not be restricted to physician applicants and be open to applicants from a wider range of professional disciplines.

Discussion ensued on civil service requirements and flexibility in classifications and salary levels when a position is open to applicants with a variety of professional qualifications. Ms. Roeseler discussed a number of physician and non-physician classifications that had appeared in draft

organizational charts. It was considered that if a broad recruitment was undertaken, flexibility in determining the final pay scale depending on the qualifications of the successful appointee would be possible.

The motion was seconded by Lourdes Baézconde-Garbanati. The question was put and the motion was carried unanimously.

The Chair thanked Ms. Roeseler and opened the meeting for public comment.

## **9. PUBLIC COMMENT**

Carol McGruder, Co-Chair, AATCLC, informed Members of the creation of AATCLC this year. She distributed copies of a letter from AATCLC outlining findings of a statewide TRDRP-funded study by the California Black Health Network and San Diego State University Research Foundation.

The preliminary report revealed a smoking prevalence of approximately 32.6 percent in the African American sample, utilizing community-based survey methodology. The letter requests TEROC make a number of recommendations to the State on data collection methodology, culturally appropriate cessation services, funding and priority populations.

Ms. McGruder indicated the report would be made available to TEROC upon its release in several months.

Members asked follow-up questions regarding the methodology used, and discussion ensued on Random-Digit Dial and other data collection considerations.

Members agreed to invite Denise Adams-Simms and a research project representative with expertise on survey methodology to the December 1, 2009, meeting to present on the methodology and research findings of the study outlined by AATCLC.

The Chair thanked Ms. McGruder for her presentation.

## **10. DISCUSSION OF FUTURE TEROC ISSUES**

The Chair briefly outlined several areas that require attention, including:

- Conducting a New Member Orientation at the next meeting for the three potential new members if they are appointed
- Discussing TEROC member attendance and participation in I&E Days (scheduled for May 11-12, 2010) and Regional Forums (further details to be provided at the next TEROC meeting)
- Responding to breaking developments, such as the deadline for responding to the FDA which originally fell between TEROC meetings. Discussion ensued on forming subcommittees, and the problem of e-mail communication breaching the public meeting requirements for TEROC. The Chair reported CDPH's Office of Legal Services (OLS) had provided some advice on this issue and concurred that e-mail communications

were problematic. Discussion ensued on “open meetings” requirement in the electronic age (with web sites for posting documents and webinars allowing alternatives to in-person meetings that could still be viewed by the public). It was agreed that further inquiries could be made with OLS, and discussion was held over to the next meeting.

- Discussion of legislative reporting requirements and a schedule of meetings for preparing the next MP was held over to the next meeting.
- In discussing locations for future meetings, it was agreed that rotating locations, on-site hotel restaurants and ease of airport transfers are important considerations. TEROC members set the date for first two 2010 TEROC meetings: Tuesday, February 2, 2010, and Tuesday, May 25, 2010, both in the Sacramento area (Tuesday, December 1, 2009, in the Los Angeles airport area scheduled at prior meeting). Further discussion was held over to the next meeting.
- The development of bylaws for future Chair elections was discussed and held over to the next meeting.

Discussion returned to a TEROC response to the FDA on the Tobacco Act. It was agreed that Talking Points, to include issues raised by Members earlier in the meeting and making linkages to TEROC’s MP, would be developed for consideration at the December 1, 2009 meeting.

The meeting was adjourned at 4:15 p.m.

Next meeting: Tuesday, December 1, 2009, at the Radisson Hotel at Los Angeles airport.