

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**
Meeting on Tuesday, February 2, 2010
Sheraton Grand Hotel
1230 J Street
Sacramento, CA 95814

MEMBERS PRESENT:

Michael Ong (Chair), Alan Henderson, Naphtali Offen, Peggy Uyeda,
Valerie Yerger

MEMBERS ABSENT:

Wendel Brunner, Lawrence Green, Pamela Ling, Dorothy Rice

OTHERS IN ATTENDANCE:

Denise Adams-Simms, California Black Health Network (CBHN)
Ana Astorga, Stanislaus County Health Services Agency (SCHSA)
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
Estefania Barajas, Protecting Health and Slamming Tobacco (PHAST)
Denise Barnaja, PHAST
Sofia J. Campos, PHAST
David Cowling, CTCP
Shirley Dellenback, CTCP
Elizabeth Escalante, Stanislaus County Office of Education (SCOE)
Pat S. Etem, Independent, Civic Communications
Ken Fitzgerald, SCOE
Phillip Gardiner, TRDRP
Tonia Hagaman, CTCP
Rich Heintz, Local Lead Agency (LLA) Project Directors' Association
Jerry Katsumata, CTCP
Caroline Kurtz, CTCP
John Lagomarsino, Safe and Healthy Kids Program Office (SHKPO), California
Department of Education (CDE)
George Lemp, TRDRP
Donald Lyman, CDPH
Carol McGruder, African American Tobacco Control Leadership Council
(AATCLC) and URSA Institute
Kristin Mello, PHAST
Reneé Mello, San Juan Unified School District–Student Assistance
Charmaine Monte, SCOE
Jamie Morgan, American Heart Association (AHA)
Brenda Rico, PHAST

April Roeseler, CTCP
Nadine Roh, CTCP
Jaskiran Saini, PHAST
Alecia Sanchez, American Cancer Society (ACS)
Shirley Shelton, CTCP
Oliver Sherman, Bay Area Community Resources (BACR)
Colleen Stevens, CTCP
Julie M. Waters, BACR
Meg Werlhor, PHAST

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

TEROC Chairperson Michael Ong called the meeting to order at 9:40 a.m. He welcomed the new TEROC member, Naphtali Offen, appointed by The Honorable Karen Bass, Speaker of the Assembly. Mr. Offen introduced himself and indicated he had been a tobacco control advocate since the 1990s and had been a co-founder of the Coalition of Lavender Americans on Smoking and Health (CLASH), the first group in the nation founded to address the high smoking prevalence rates in the Lesbian Gay Bisexual Transgender community. He is currently a Tobacco Documents Researcher at the Department of Social and Behavioral Sciences, School of Nursing, University of California (UC), San Francisco.

Other TEROC members and guests introduced themselves.

2. APPROVAL OF MINUTES FROM DECEMBER 1, 2009, TEROC MEETING, CORRESPONDENCE, AND ANNOUNCEMENTS

There were no changes required for the minutes of the December 1, 2009 meeting. Acceptance of Minutes moved by Alan Henderson, seconded by Peggy Uyeda, motion carried unanimously.

Incoming Correspondence:

The Chair reviewed correspondence, including a letter from Lourdes Báezconde-Garbanati regarding her TEROC membership dated January 21, 2010.

Action Item

Members agreed both a letter and certificate of appreciation should be sent to Lourdes Báezconde-Garbanati.

Other incoming correspondence was reviewed, including:

- E-mail from Randy Stafford, Chair, TRDRP Scientific Advisory Council (SAC) to Chair regarding feedback on the UCOP Non-Advocate Review (NAR) Committee report, dated December 2, 2009. The Chair indicated

his response regarding recommendations was included in the outgoing correspondence packet.

- E-mail from Randy Stafford to Chair regarding discussion of the potential use of TRDRP Proposition (Prop) 99 Research Account funds for the State breast cancer screening initiative, dated December 23, 2009.
- Various e-mail responses to the e-mail from Randy Stafford regarding TRDRP funds and the history of diversion attempts for Prop 99 funds, dated December 23, 2009.
- E-mail from Anthony Valdez to Chair regarding Senate Bill (SB) 882 (Electronic Cigarettes), dated January 15, 2010, and including Senator Corbett's Press Release and a Fact Sheet on the bill as attachments.

Alan Henderson commented on an issue raised in the e-mail thread on the diversion of Prop 99 funds to the Cancer Registry. While ACS supports the Cancer Registry, it has never liked or supported any reallocation or diversion of Prop 99 funds to it.

Outgoing Correspondence:

- E-mail from Chair to Randy Stafford regarding feedback on the NAR report dated December 2, 2009.
- Letter from Chair to UC President Mark G. Yudof regarding the NAR and urging a more thorough review of the impact of the UCOP reorganization on TRDRP, dated December 17, 2009.
- Letter from Chair to the Food and Drug Administration (FDA) regarding regulation of tobacco products, dated December 23, 2009.
- E-mail from Chair to Randy Stafford regarding potential diversion of TRDRP funds and a proposed Special Meeting of TEROC, dated December 23, 2009. The Chair indicated that since no developments had occurred since the diversion issue was first raised, a Special Meeting of TEROC prior to this meeting had not been considered necessary.

Announcements:

- **California Cancer Research Act (CCRA) Ballot Initiative**
The Chair announced a third version of the CCRA initiative was filed with the Attorney General on December 7, 2009. The \$1 per pack tax increase and the allocation of 20 percent of funds and backfill to Prop 99 programs remain in this version. The Chair reported TEROC had voted unanimously to support Prop 86 in 2006, providing a precedent for taking positions on ballot initiatives.
- **Information and Education (I&E) Days**
I&E Days have been scheduled for May 11-12, 2010, with opportunities for TEROC member participation.

- **Future Meetings**
The next meeting is scheduled for Tuesday, May 25, 2010. An initial Master Plan (MP) meeting will be required before the end of the year, but in the absence of a number of TEROC members, scheduling will occur at a later date.
- **CTCP Tobacco Control Supplement**
A special CTCP supplement containing a number of articles will be published with an upcoming issue of the journal Tobacco Control. Members of CTCP's external Evaluation Task Force (ETF) have expressed interest in highlighting the supplement, and TEROC may wish to consider action in this regard.
- **New Member Orientation**
Since there has been a further delay in getting the Governor's confirmation of new TEROC appointees, the New Member Orientation was not scheduled. The Chair gave a brief overview of the last orientation which had provided information on the agencies receiving Prop 99 funds and statutory mandates including the MP and reports to the legislature. The two newest TEROC members concurred with the deferment of the New Member Orientation.
- **Resolutions and By-Laws**
A draft of several resolutions on issues discussed at recent meetings for incorporation in TEROC by-laws was considered. Issues included the selection of the Chair, duties and responsibilities of the Chair, quorum requirements, and sub-committees and working groups. It was agreed to distribute a second draft prior to the next meeting and finalize the resolutions in the presence of a greater number of members, then seek the opinion of the CDPH, Office of Legal Services. Discussion focused on:
 - The purpose of the Chair soliciting opinions and comments from members between meetings if they are not to be regarded as expressions or actions of the Committee unless they are confirmed at a future meeting in which a quorum is present. The Chair suggested an example could be soliciting opinions on whether a Special Meeting might be required to deal with decisions on an emerging issue of importance. April Roeseler of CTCP, suggested online surveys concerning potential MP Issues and Objectives that are created for TEROC members and others to provide feedback are another example where this type of communication is appropriate and purposeful.
 - The designation, scope and membership of all subcommittees being subject to the approval of TEROC, rather than the Chair.

3. ENVIRONMENTAL DEVELOPMENTS

The Chair reported the following Environmental Developments:

- **FDA Tobacco Regulation Lawsuit**

On January 5, 2010, the Federal District Court in Kentucky issued a ruling on the new law providing the FDA with authority to regulate tobacco.

The judge upheld most of the key provisions of the law, including:

- Requiring graphic warning labels on cigarette packs that cover up to 50 percent of a pack.
- Prohibiting tobacco companies from making health claims about tobacco products without FDA review.
- Banning certain forms of tobacco marketing that appeal to children such as free samples of tobacco products, brand name sponsorships, and tobacco-branded merchandise.
- Allowing Federal, State, and local governments to impose additional regulations on tobacco products and marketing beyond those specified in the law.

The two provisions that were struck down are those that would:

- Ban the use of color and imagery in tobacco advertising locations viewed by large numbers of youth.
- Prohibit claims implying that a tobacco product is safer because of FDA approval.

Ultimately, this case is likely to reach the U.S. Supreme Court.

- **Electronic Cigarettes Update**

The FDA had claimed electronic cigarettes are subject to regulation as drug-device combinations. On January 14, 2010, a U.S. District Judge ruled the FDA cannot stop shipments of electronic cigarettes into the United States. A final ruling in the Federal lawsuit will follow. In California, the Attorney General has sought in a State court to halt one company's sale of electronic cigarettes, accusing them of violating a number of State laws by making misleading statements, failing to warn consumers of the product's potential harm and engaging in unfair business practices. The Chair indicated that with these developments and Senator Corbett's introduction of SB 882 prohibiting the sale of electronic cigarettes to minors, TEROC may need to consider commenting on the issue.

- **American Lung Association's (ALA) State of Tobacco Control 2009 report**

On January 12, 2010, ALA released their State of Tobacco Control 2009 report. California's rankings were an "A" for smoke-free air laws, a "D" for cigarette tax rate, an "F" for tobacco prevention and control program funding, and a "D" for coverage of cessation treatments and services. ALA also released local grades for some cities and counties in California. Albany, Calabasas and Richmond (which had received an "F" last year) all passed strong tobacco control ordinances in the past year and joined

Glendale in receiving an overall grade of “A,” but many cities and counties received an “F.”

- **L.A. Smoke-free Outdoor Dining Ordinance**

The Los Angeles City Council unanimously voted to ban smoking in the city’s outdoor cafes on January 20, 2010. The ordinance prohibits smoking within 10 feet of outdoor restaurant patios and gardens, and within 40 feet of a mobile food truck.

4. LEGISLATIVE AND TOBACCO POLICY UPDATE

Jamie Morgan of AHA provided an update on the status of legislation for this legislative session. Legislators returned in January for the second year of a two-year session and several bills have carried forward:

- SB 4 (Oropeza), creating smoke-free state beaches and parks, is on the Assembly floor and may be amended to exempt dunes and campsites in response respond to enforcement concerns from State parks and reduce the potential for the bill to be vetoed.
- SB 603 (Padilla), providing for an annual \$100 retail license fee and revising the penalty scale for sales to minors. It is unclear whether Padilla will move forward with the bill. The bill would also prohibit new licenses being issued to retailers within 600 feet of a school. Padilla also recently sent letters to all cities and counties in California to encourage local policies in this regard.
- SB 882 (Corbett), prohibiting the sale of electronic cigarettes to minors, is a new bill. Another electronic cigarette bill, SB 400, amended to prohibit all sales, was vetoed by the Governor last year. Ms. Morgan was asked about the legal debate regarding the classification of electronic cigarettes as a drug-delivery device, a tobacco product, or something else. She indicated AHA has not yet taken a position but is supportive of the FDA taking action based on health and safety concerns. Given the lawsuits and product testing and standards issues, AHA is working on developing a nationally-coordinated policy statement and is yet to determine support of SB 882. Ms. Morgan was questioned on the deadline for taking a position on the bill, and she indicated Policy Committees will have until April 2010 to consider bills initially referred to them. Members agreed to defer a decision on TEROC taking a position on the bill until the next meeting in May so that any new information and research could be considered.

The deadline to introduce other new bills is the end of February 2010.

Ms. Morgan was questioned on the status of SB 600 (Padilla), proposing an increase in the tax on tobacco products by \$1.50 per pack. She indicated that as a tax bill, SB 600 is not subject to deadlines, and could be moved forward at any time. However, it appears Padilla is now supportive of the CCRA initiative, and it remains difficult to pass tax bills through the legislature.

The revised CCRA initiative was discussed. A title and summary has been released and was distributed to members. The title is “Imposes Additional Tax on Cigarettes for Cancer Research,” the most recent version of the initiative now fully backfills Prop 10 (together with Prop 99). Efforts to collect 600,000 signatures will now commence and continue through mid-April 2010. A fact sheet and endorsement form was provided to Members.

The recent analysis by the Legislative Analyst’s Office (LAO) was discussed. LAO estimates the tax increase could raise up to \$855 million each year, with 20 percent of funds remaining after backfill shared by CDPH (80 percent) and CDE (20 percent). An additional \$45 million for Prop 99 programs will be raised from the tax increase on other tobacco products.

CTCP’s analysis of the initiative’s proposed \$1 per pack tax increase was raised and it was reported it is pending approval by CDPH. David Cowling of CTCP reported the figures in the analysis are similar to the LAO estimates.

Discussion ensued on TEROC support of the initiative. It was noted that while the size of the tax increase does not meet the level in the MP objectives, a ballot initiative seems the only current option for achieving any increase given the legislature’s opposition to tax increases.

The absence of any allocation of funds to TRDRP was raised. It is unclear if TRDRP priorities would change with new cancer research being funded outside TRDRP, or if CDPH would direct any newly-allocated funds to research.

Polling suggests public support for the initiative would be high, and the initiative is more specific than the failed Prop 86 initiative. However, Ms. Morgan acknowledged that signature gathering and funding remain challenging, and the tobacco industry may try to counter public support.

Action Item

Alan Henderson moved that TEROC endorse and prepare a letter of support for the CCRA ballot initiative.

In discussing the motion, Members suggested any statement of support could recommend that research funds for tobacco-related diseases be administered by TRDRP given their track record, or recommend that a strong focus be placed on tobacco-related disease research. Alicia Sanchez of ACS indicated opportunities for this kind of advocacy would also be available in the future if the initiative passes and an oversight committee is formed. Members also raised the importance of addressing the needs of priority populations in any statement of support, in accord with MP objectives.

The motion was seconded by Valerie Yerger. The Chair put the question, and the motion was carried 4-1, with Naphtali Offen dissenting.

Naphtali Offen expressed concern regarding TRDRP, the initiative's emphasis on cancer research rather than prevention efforts, and the initiative's priorities as reflected in the allocation of funds. Ms. Morgan indicated that advocacy would continue to focus on the importance of both the prevention and research elements if the initiative passes. Other members highlighted the inclusion of funds for enforcement, CDE and CDPH as reasons for their support. After discussion, the Chair asked members if they would like the question to be put again for any votes to be changed, and members declined.

Discussion returned to the CTCP Analysis. Dr. Cowling indicated the analysis was currently being considered in the CDPH, Center for Chronic Disease Prevention and Health Promotion (CCDPHP).

Action Item

Alan Henderson moved that TEROC prepare a letter to request CDPH provide the CTCP Analysis on the impact of the CCRA initiative to TEROC with due haste.

Naphtali Offen seconded, motion carried unanimously.

The Chair thanked Ms. Morgan for her presentation.

5. DOF, PROP 99 BUDGET UPDATE, AND GOVERNORS BUDGET 2010-11

Bruce Lee from DOF presented on adjustments to 2009-10 Program Appropriations as compared to the Budget Act of 2009 and on the Governor's 2010-11 Budget.

Mr. Lee presented the following information:

- Adjustments to 2009 Appropriations (Revenues):
 - Prop 99 Revenue Estimate remained steady:
 - Budget Act Estimate: \$286 Million
 - Current Estimate: \$286 Million
 - Prop 10 Backfill Estimate Increased:
 - Budget Act Estimate: \$16.5 Million
 - Current Estimate: \$16.9 Million
- Adjustments to 2009 Appropriations (Expenditures) included:
 - A technical change of \$788,000 in the Asthma Prevention Program due to state operation expenses.
 - Other minor increases in expenditures from state operations baseline adjustments (employee compensation, etc.)
- Governor's Budget 2010-11 Revenues included:
 - An estimated \$2 Million decrease in revenues:
 - 2009-10 Revised Estimate: \$286 Million

- 2010-11 Estimate: \$284 Million
- No Change to Prop 10 backfill estimate of \$16.9 million
- Governor's Budget 2010-11 Expenditures included:
 - A one-time increase of \$2.8 million for the Resource Agency's Departments of Parks and Recreation due to higher available balances in the Public Resources Account.
 - An increase of \$25 million for the Access for Infants and Mothers (AIM) program to replace one-time savings available in 2009-10.
 - An increase in the allocation to the Orthopedic Hospital outpatient care costs in Medi-Cal of \$36 million due to available one-time balances.
 - The technical change of \$788,000 in the Asthma Prevention Program due to State operation expenses.
 - A reduction of \$168,000 for CDE due to insufficient funds in the Health Education Account (HEA).
 - A reduction of \$264,000 for CDPH due to insufficient funds in HEA.
 - A reduction of \$125,000 for UCOP due to insufficient funds in the Research Account.

Mr. Lee recapped some other recent factors and anomalies:

- Revenues remained rather constant
- The ending balances in 2008-09 were \$24 million higher than estimated, providing a cushion:
 - Estimate was \$19.4 million as of the 2009 Budget Act.
 - Actual balance was \$43.4 million as of the 2010 Governor's Budget
 - These monies flowed through 2009-10 into 2010-11 which made possible the increased allocation to AIM without affecting other program allocations.

Discussion ensued on whether stable revenues indicate a slowing of the decline in smoking prevalence. Dr. Cowling indicated that the recent federal tax increase did not appear to be greatly impacting prevalence rates, and any increased use of other tobacco products would also increase Prop 99 revenues. Tobacco industry price manipulation through means such as couponing also has an impact.

The Chair commented on declines in reserve funds over recent years.

Mr. Lee indicated that while a five percent reserve is budgeted each year, all Prop 99-funded agencies should be on notice not to expect additional funds or to have large reserve funds past 2011-12. Holding back funds to build reserves is not recommended since reserve funds could then be diverted for other purposes.

Discussion ensued on the use of Research Account funds for the Cancer Registry. It was agreed that Cancer Registry staff could be invited to present on how their work relates to tobacco control at a future TERO meeting.

Mr. Lee was asked to comment on the additional reductions in the Governor's budget to be triggered by a failure to receive federal government funds, including a \$115 million reduction in health services programs funded by Prop 99. Mr. Lee confirmed that cut would apply to funding for AIM and Major Medical Risk Insurance from the Hospital Services Account and Physicians' Services Account.

Mr. Lee was questioned on the 2010-11 expenditures on "Financial Information System for California (State Operations)" in the CDPH budget which was distributed to members. He reported the state is revamping several systems and departments are contributing.

Mr. Lee was asked whether cuts are always applied to programs in equal proportions, and he indicated that while that is generally the case, deviations from expenditure estimates in certain programs can lead to multiple factors being taken into account. He indicated he did not have sufficient information at hand to comment on large annual increases in the State Controller's fee.

Mr. Lee was asked if he was aware of potential diversion by legislative leaders of TRDRP Research Account funds to breast cancer screenings. He indicated DOF would typically not be involved in such discussions, but is aware of the legislative interest in the Every Women Counts program. Ms. Sanchez indicated she was aware of legislative interest in shifting a greater proportion of funds from the Breast Cancer Research Fund (created by AB 478 in 1993 which introduced a two-cent per pack tobacco tax) from research to screening, but this is not connected to Prop 99 accounts.

The Chair thanked Mr. Lee for his presentation.

6. TRDRP REPORT

The TRDRP report was provided by George Lemp and Bart Aoki. They reported on progress on a number of initiatives:

- The three research teams working on the Tobacco Policy Research initiative are revising their interim report in response to External Scientific Monitoring Committee (ESMC) comments. It is anticipated the stakeholder's advisory committee will review the revised interim report and recommendations of ESMC in March, and also identify high priority policy areas for a 2010 Request for Qualifications (RFQ) for a June 2010 release and July 2010 deadline. A final report by the research team is to follow in August 2010. Members noted the report and issues identified for the next RFQ would be useful to TEROC for the next MP. Dr. Lemp indicated the new RFQ would most likely differ from the current focus on the costs of smoking and impact of tobacco control efforts. Publications and dissemination were cited as important indicators for evaluating the

success of any initiative, together with policy change and budget allocations. There is also value in the stakeholders' collaborations.

- A summary report of the first researcher and stakeholder meeting regarding the Environmental Tobacco Exposure initiative is anticipated in February. A Request for Applications (RFA) will also be drafted for review by TRDRP's SAC in February, with a March 2010 or April 2010 release date and June 2010 deadline expected.
- A meeting for the Lung Cancer Early Detection initiative is planned for February 3, 2010, with a meeting summary to be released in March 2010. The RFA will be drafted in April-May 2010, with a May-June 2010 release and a late summer deadline anticipated.

Dr. Lemp indicated more information on funding allocations and programmatic budgets would be provided at the next meeting.

The UCOP reorganization of the Office of Research and Graduate Studies was discussed. Dr. Lemp reported there is a need to take into account the varying cyclical nature of peer reviews for the seven programs within the Research Grant Programs Office (RGPO) (e.g., annual versus every three years) in calculating shares of recharge costs for centralized units. While there is no current Executive Director for RGPO, interviews are underway.

The reorganization is now in an intermediate stage, with the Business Process Analysis being phased in. Four UCOP teams are implementing this process, with Dr. Aoki facilitating the RGPO team. The process includes:

- Mapping all processes for all seven programs.
- Involving stakeholders and identifying areas of concern or "pain points."
- Comparing programs regarding similar "pain points," challenges, and tasks.
- Developing, documenting, and mapping streamlined processes for Investigator-Initiated Research Awards (IIRA).
- Testing and implementing.

Future steps include:

- Consolidating the IIRA grant reviews in the IIRA Center.
- Consolidating grant distribution and monitoring for IIRA into the IIRA Center.
- Identifying areas for future efficiencies and standardization.

The Chair reported that no response had been received from UC President Yudof to TERO's request that the reorganization be slowed for TRDRP, and it appears to be rapidly moving forward. Dr. Lemp indicated since analyses are continuing and complete data on efficiencies is not yet available, the reorganization has not fully moved forward, but he understands UCOP's intent is to move ahead with the process. IIRA responsibilities

continue to be shared. The Chair noted this could mean the staffing balance could shift from TRDRP toward the IIRA Center even as TRDRP continues to share IIRA responsibilities and maintains responsibilities for program-directed and community based awards. Dr. Aoki indicated the IIRA activities will be the first to be analyzed, with the analysis then returning to program-directed and community based activities.

Dr. Lemp indicated that while he could not comment on the lack of a UCOP response to TEROC's earlier correspondence, he could make inquiries.

Dr. Lemp reported no written or public request had been made regarding a diversion of TRDRP funds. He suggested certain legislators were looking at ways to address budget shortfalls and that diversion of both Breast Cancer Research Program funds, and subsequently TRDRP funds, may have been discussed for breast cancer screenings. An amount of \$6 million had been suggested. These discussions appear to be on hold. UCOP's General Counsel has not yet responded to the issue and it does not appear to be a high priority since there was no written request received. Dr. Aoki stated the history of past diversion attempts and lawsuits are informing considerations of the issue.

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

7. African American Tobacco Control Leadership Council

Phillip Gardiner and Denise Adams-Simms presented on a recent CBHN, San Diego State University (SDSU) study funded through TRDRP's Community Academic Research Awards (CARA) on "Prevalence and Correlates of African American Tobacco Use: Tobacco Research - Offsetting Biases Found in Random Digit Dialing when Utilizing Land Lines Only." It is anticipated the results of the study will be submitted to the American Journal of Public Health in March-April 2010.

As background, Dr. Gardiner reported on statistics from a Surgeon General's 1998 report showing higher age-adjusted death rates for African Americans (AA) for oral cancer, esophageal cancer, lung cancer, coronary heart disease, and cardiovascular disease. More recent data from ACS in 2007 show that for the incidence and age-adjusted mortality for all cancer and for lung cancer, AA males continue to be disproportionately represented.

He reported the problem the study aimed to address is that Random-Digit Dial Telephone Surveys (RDDTS), household surveys and school-based surveys all reflect tobacco use of a higher socio-economic status (SES) AA group as a result of the lower SES AA community having:

- Fewer landline phones, less stable environments, and lower levels of trust.
- Higher incarceration rates.

- Lower and more episodic school attendance.
- Higher use of cigars and blunts.

Prior community surveys have revealed higher levels of cigar use for AA teens than suggested by the Centers for Disease Control and Prevention's (CDC) RDDTS (32-44 percent versus 8-13 percent) and higher AA adult smoking prevalence in Chicago (38.9 percent versus 22.4 percent). Studies of this kind led to the TRDRP grant for the current door-to-door study which suggests an AA smoking prevalence rate of 32.6 percent (37.2 percent for men and 29.7 percent for women) as compared to the AA adult prevalence of 19.5 percent from RDDTS (the California Tobacco Survey).

When compared to the RDDTS California Health Interview Survey, a higher percentage of men participated in the current survey (42.7 percent versus 34.6 percent of respondents), together with a higher percentage of low-SES participants (21.7 percent versus 13.4 percent). The survey also found between 13-25 percent of respondents had no landline phone, and that 56 percent of cell phone-only users were male smokers.

Dr. Gardiner reviewed the growing body of literature, some of which will be highlighted with the release of the study, demonstrating, for example:

- High prevalence rates for pregnant AA women who reside in segregated communities.
- Higher prevalence rates for all ethnic groups when asked in-person versus on the telephone.
- AA smokers, determined by cotinine level, are four to nine times more likely than White smokers to deny smoking when asked in person.
- Segregated minorities (AA, Latinos, and Asian Americans) are unlikely to participate in traditional telephone OR household surveys.
- Many AAs do not have landline phones – they instead are cell phone-only households. Household, in-person studies find higher rates of smoking among cell phone-only households compared to homes with landline phones.

In recapping the study methodology, Dr. Gardiner suggested any smoking prevalence survey must:

- Be random.
- Have a representative sample.
- Have AAs interviewing AAs.
- Be conducted in-person.
- Have a bimodal distribution: landline and cell phone users.
- Include segregated populations (which includes 70 percent of California's AA population).

Dr. Gardiner contended the CBHN, SDSU, CARA-funded study provides a standard for how data should be collected and indicated discussions are being held for wider replication.

Ms. Adams-Simms reported the starting point for the study was the concern from community experience that cell phone-only usage was growing in AA communities and other communities of color, creating bias in RDDTS.

She provided details of the study's Principal Investigators (Hope Landrine, Ph.D; Scott Roesch, Ph.D; and herself) and Project Coordinators on both sides of the SDSU, CBHN partnership. The mission of CBHN (to improve the health status of persons of African descent in California) and CBHN's history of community involvement and tobacco use reduction led Dr. Landrine to initiate the partnership.

Ms. Adams-Simms highlighted several features of the survey methodology:

- Survey instruments were distributed and collected door-to-door within seven census tracts by paid SDSU and CBHN Research Assistants (primarily AA).
- 10-15 Research Assistants were interviewed, hired, and trained in five areas (Oakland/San Francisco utilized same staff).
- Research Assistant Training Protocols and Study Protocols were developed.
- Surveys were distributed on weekends only and respondents were offered \$10 for completing the survey (many did not accept the payment).
- A project coordinator was assigned to each census tract to distribute materials and money to the local area field supervisors.
- Completed survey materials were returned to SDSU.

Ms. Adams-Simms stressed the importance of:

- Conducting primary research in the AA community by people who are culturally competent and are representative of the community to develop trust.
- Providing opportunities to establish partnerships with community-based organizations, allowing them new avenues to be involved in research and develop their reputation in the community, and providing a community connection back to the health professionals and research team.
- Sharing the results of the research with the community.

In discussing the survey, Members expressed concern about other populations who may be undercounted by RDDTS, and the impact of generational differences. The benefit of community-based research in offering community employment opportunities was also highlighted.

Ms. Waters was introduced as a former Project Research Assistant who has continued to work as a community advocate.

In response to questions, Ms. Adams-Simms reported approximately 2,190 responses from a target of 4,000 were collected. San Diego, San Francisco, Oakland, Los Angeles, and the Inland Empire were targeted. While survey collection was the top priority, the need and demand for information and cessation assistance was observed during the study.

Dr. Gardiner indicated he would provide to TEROC, the “Summary of the Second Conference on Menthol Cigarettes” that was submitted to the FDA in response to their recent call for public comment on the regulation of tobacco.

The presenters were asked to comment on comparisons with other national household surveys regarding methodology, timeframes, and costs. It was acknowledged the survey was labor-intensive. The study continued from December 2006 through Spring 2008. A cost-per-survey was not immediately available but it was suggested it could be calculated.

Ms. Adams-Simms indicated the survey included types of cigarettes and tobacco products used. Awareness of tobacco industry influence was also revealed informally. The survey comprised 30-40 questions and took approximately 20-25 minutes to complete.

Donald O. Lyman of CDPH thanked the presenters for their efforts and indicated California conducts one of the largest RDDTS and the problems are known and pervasive. While it is clear a state-wide door-to-door survey of this size is not practical, the survey results will inform the continued debate

The Chair thanked Dr. Gardiner and Ms. Adams-Simms for their presentations.

8. CDE REPORT

The CDE report was provided by John Lagomarsino. He indicated Tom Herman was required to attend an urgent meeting on personnel, budget issues, and the loss of Federal funds and sent his apologies.

The new Tobacco-Use Prevention Education (TUPE) Request for Application (RFA) is progressing for a March 2010 release. Mr. Lagomarsino discussed continued collaboration at the state level and indicated he had invited representatives to the meeting to discuss in detail the collaboration between local education agencies and local health departments that leads to successful local programs.

He introduced representatives from PHAST in Stanislaus County, including Charmaine Monte and Ken Fitzgerald of SCOE (Mr. Fitzgerald, formerly LLA Project Director, Stanislaus County Health Services Agency). They outlined program activities and achievements over the last five years involving

350 students at 19 schools, with youth development as a central focus. The vision of PHAST is to create a youth coalition respected statewide for active and enthusiastic programs that educate peers on the dangers of tobacco use and counter pro-tobacco influences through empowered community advocacy. Goals include to:

- Build peer tobacco education skills by participating in training events, including the PHAST Tobacco Slam involving statewide partners.
- Conduct tobacco education activities, including the Great American Smoke-out.
- Conduct community advocacy activities to promote tobacco-free living, including PHAST Fridays at the Modesto Nuts Baseball Games featuring student-produced Public Service Announcements (PSAs).
- Participate in facilitating and coordinating campus cessation programs, in accord with TUPE requirements.

Estefania Barajas and Sofia Campos discussed peer impact and how the visibility and popularity of anti-tobacco advocacy can have a ripple effect. Successes have included no-smoking signage in parks and school speakers leading to quit attempts by staff and students. Meg Werlhor and Kristin Mello spoke on the benefits of youth development, friendship, and leadership through PHAST outreach to elementary schools and partnerships with the county and other schools. Brenda Rico, Denise Barnaja, and Jaskiran Saini discussed motivations for PHAST involvement, including future career considerations, and how their skills have been developed through PHAST goals and activities. Student PSAs were screened for Members and materials distributed.

Members thanked the PHAST participants for their presentations and commented on how successful the program and its youth development goal have been in producing leadership in tobacco control. The benefits of expanding research and evaluation of the success of regional programs on reducing youth smoking prevalence within school districts was raised.

The Chair indicated Members would appreciate more information on SHKPO funding at the next meeting. Mr. Lagomarsino indicated there were uncertainties regarding future staffing levels, allocations from the general fund, and possible Federal bridge grants.

The Chair thanked Mr. Lagomarsino and PHAST representatives for their presentations.

9. CTCP UPDATE

The CDPH program update was provided by Dr. Lyman. Dr. Lyman discussed the following:

- Merced County Department of Public Health has requested that their status as the LLA for Merced County be terminated, so a Request for Proposals (RFP) will be released for a governmental or non-profit agency to become the new LLA for Merced County. Progress and deliverables have been lacking.
- The LLA 2010-13 Plans have been submitted and a peer review will take place on February 16-17, 2010, with negotiations to follow.
- Notification of award status for all components of CDC's American Recovery and Reinvestment Act (ARRA) Funding Opportunity Announcement (FOA) has been delayed but is anticipated in the next week. Contract amendments will then be required to allocate funds to CTCP contractors working on the funded projects.
- Competitive Grantee RFA 10-100 awards have been made and two appeal hearings were held: one was denied and one upheld.
- Allison & Partners, a full-service Public Relations (PR) firm in San Francisco was selected as CTCP's statewide PR contractor.
- The Capacity Building Network held two Webinars on materials development and four regional in-person Cultural Fluency trainings are also planned with Webinars to follow.
- CTCP's Media Unit hosted Spokesperson Trainings in Kern and Santa Barbara counties.
- The Center for Tobacco Cessation is now offering a free Continuing Medical Education (CME)-approved Webinar for health care providers on *Treating Tobacco Use and Dependence*.
- CTCP staff presented on California's local tobacco retailer licensing successes at a meeting of the Governor's Prevention Advisory Council.

Dr. Lyman also provided an update on the status of recruitment efforts for CTCP Branch Chief. Recruitment efforts have shifted away from recruiting a physician, and a Health Program Manager III is now being sought.

Dr. Lyman reported the issue of litter mitigation was included in the CDPH application for the competitive component of the American Recovery Reinvestment Act (ARRA) Funding Opportunity Announcement. For the two-year award time period, a series of investigatory steps is outlined as part of a policy strategy.

The Chair raised the issue of the WestEd evaluation contract identified in CTCP's report to TERO. Dr. Lyman confirmed that internal procedures have now led to a year-long delay in the final execution of the contract and the conduct of the evaluation of the in-school TUPE program is in jeopardy.

this year. The Chair noted this would have a significant impact on the evaluation history for the program.

Action Item

Alan Henderson moved that TEROC send a letter to CDPH stressing the urgency of moving forward with full execution of the WestEd contract. The motion was seconded by Valerie Yerger.

Discussion ensued on the deadline for commencing field research having already passed. It remains unclear what can be salvaged at this late stage. Dr. Lyman clarified the delay was due to internal hurdles that are frequently suffered in the contract execution process. He confirmed the letter should be addressed to the CDPH Director and noted that state furloughs, attrition and salary freezes have all slowed state processes. It was noted the CDPH Director should be urged to give this contract a high priority, particularly given the prior increase observed in youth smoking rates in California, and how critical this data collection is to understanding and directing the efforts of the state's tobacco control program.

The question was put and the motion was carried unanimously.

Discussion returned to CTCP's special supplement in the Tobacco Control Journal that is anticipated for April 2010. The Chair asked if there would be value in TEROC highlighting the release of the supplement to state officials. Dr. Lyman indicated that while the supplement should be celebrated as an achievement, it is not clear what steps the Administration would take to highlight it. Members noted TEROC highlighting the supplement could also promote the endorsement of the CCRA initiative.

Action Item

Alan Henderson moved that the Chair be authorized to write an Op-Ed piece highlighting the Tobacco Control Supplement, the contributions of tobacco control in California over the last 20 years, and TEROC support of the CCRA ballot initiative, and to prepare a letter to key constituencies including state officials, voluntary health agencies and LLAs for the same purpose.

Seconded by Valerie Yerger, motion carried unanimously.

The Chair thanked Dr. Lyman for his presentation.

10. PUBLIC COMMENT

Naphtali Offen inquired as to the status of the California Smokers' Helpline (the Helpline) introducing a question on sexual orientation. He reported the Deputy Director of CCDPHP had indicated a question would be introduced in June 2009. Dr. Lyman indicated a contract amendment had been negotiated

and funds committed. However, a further amendment to the Helpline's contract with CDPH is now required as a result of the funding supplement from the ARRA grants. The two amendments have been combined and when the ARRA funds arrive will move through the process concurrently.

There was no additional public comment.

In the absence of several members and the prospect of additional members joining TERO, additional meeting dates beyond the next meeting are to be selected at a later time.

The meeting was adjourned at 3:50 p.m.

Next meeting: Tuesday, May 25, 2010, in Sacramento.