

North Carolina Legislator Profile

Ted Davis, Jr.: House District 19 New Hanover County

“All I know is that we’re doing something” –Rep. Ted Davis, in response to the Senate’s unwillingness to take up his GenX bill. (WRAL, [1/10/18](#))

In this Real Facts Legislator Profile, we focus on Ted Davis Jr., the Republican representative from House District 19. Before his 2012 election to the General Assembly, Davis served on the New Hanover Board of County Commissioners for 16 years. Davis claimed to be a “lifelong Democrat” before crossing party lines after being approached by the Republican Party to run for County Commissioner back in 1996. Davis ran unopposed in 2016.

Davis currently serves on seven legislative committees. He serves as chair of Appropriations on Justice and Public Safety Committee and Judiciary Committee I and vice chair of Appropriations Committee and Committee of Rules, Calendar, and Operations of the House. He is also a member of the Commerce and Job Development, Education-Universities and Elections and Ethics Law Committees. More recently, he was named Senior Chairman of the House Select Committee on River Water Quality, formed in late 2017 to address the GenX issue.

House District 19



Summary

Davis, whose district is specifically affected by GenX contamination, was named Senior Chairman of the House Select Committee on River Water Quality. Yet he was reluctant to add funding to the DEQ and voted for a budget which decreased appropriations to the Clean Water Management Trust.

- Davis was reluctant to add funding to a bill that would direct DEQ to analyze statewide emerging contaminants in surface, groundwater, and drinking water
- Davis voted for the 2017 budget, which decreased funding to the already underfunded Clean Water Management Trust Fund.

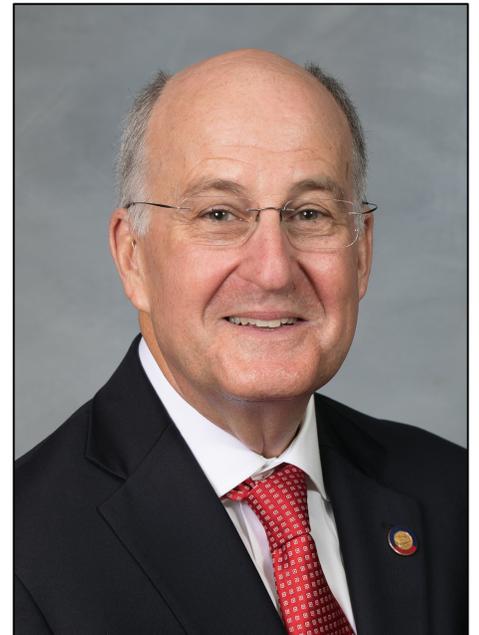
Davis was a primary sponsor of HB2, a discriminatory bill that cost NC upward of \$630 million. He also supported follow-up “compromise bills” that would have put civil rights on the ballot by making nondiscrimination ordinances subject to referendum.

- Davis claimed that any civil rights grievances filed following the bathroom bill were “unintended consequences”
- HB186 repealed HB2 but limited the ability of local governments to pass nondiscrimination ordinances.

Davis voted for the 2017 budget which prioritized tax cuts over funding education and has reinforced the idea that NC is paying its teachers enough despite NC falling below average on teacher and student spending.

- Davis voted for a budget that fails to meaningfully raise teacher salaries.

Rep. Ted Davis, Jr.



Davis, whose district is specifically affected by GenX contamination, was reluctant to add funding to the DEQ and voted for a budget which decreased appropriations to the Clean Water Management Trust.

GenX, an understudied chemical, has been discharged for years by the company DuPont and its spinoff Chemours.

GenX replaced older manufacturing chemicals seen as unsafe but was largely understudied and had no health recommendations. “GenX is the trade name of perfluoro-2-propoxypropanoic acid, used to make Teflon, Gore-Tex, fast food wrappers and other products. It was meant to replace older chemicals also in the “perfluorinated” family used in manufacturing. Although the U.S. Environmental Protection Agency has established health advisories for these older chemicals, such as PFOA, which has been known to cause cancer in animal tests, the agency has no such recommendations for the largely unstudied GenX. Despite the focus on GenX since June 2017, the compound has a long history in Wilmington-area water, where it has been discharged for years by the chemical company DuPont –and its spin-off Chemours –out of the Fayetteville Works facility.” (WRAL, 8/17/17)

Between 2012 and 2017, DEQ approved hazardous waste permits for DuPont, Chemours. “**Feb. 6, 2012:** The N.C. Department of Environmental Quality approves DuPont’s wastewater discharge permit, effective March 1, 2012, to Oct. 31, 2016.; **Aug. 10, 2012:** The North Carolina Science Advisory Board unanimously recommends setting a maximum state limit for PFOA at 1,000 parts per trillion for groundwater –much lower than the state’s initial, temporary limit. Such limits, called maximum allowable concentration, are hard lines that trigger regulatory action, as opposed to often stricter public health goals from DHHS or health advisories from the EPA. Board members based their analysis on several studies of toxicity of the compound in animal testing.; **June 23, 2015:** DEQ approves DuPont/Chemours’ hazardous waste permit for the Fayetteville plant. It’s good through Sept. 28, 2022.; **June 24, 2015:** A DuPont representative meets with DEQ regulators to discuss a forthcoming EPA study that identifies a new perfluorinated compound in the Cape Fear River. Handwritten notes by a state regulator show that meeting attendees were told the compound, a PFOA replacement equivalent to “C3 Dimer Acid/Salt” or “HFPO Dimer Acid Ammonium Salt” were “no longer discharged to river.” Both of those compound names are technical references to GenX.; **July 1, 2015:** The Chemours Co. officially splits from DuPont, where it was formally the larger company’s division of “performance chemicals.” **Oct. 28, 2015:** DEQ approves Chemours’ permit, originally held by DuPont, to discharge wastewater into the Cape Fear River, effective back to July 1. The permit expires Nov. 1, 2016.” (WRAL, [8/17/17](#))

Between 2016 and 2017 an NC State University professor published a paper showing high levels of GenX in Wilmington; meanwhile, Chemours paid \$335M to settle almost 4,000 lawsuits in other states regarding chemical exposure without admitting wrongdoing.

NC State University professor Detlef Knappe shared findings that show levels of GenX that “were very high in Wilmington.” North Carolina State University Professor Detlef Knappe shares initial findings of an ongoing research paper on perfluorinated compounds with the Cape Fear Public Utility Authority. The findings show that GenX was detected at an average concentration of 631 parts per trillion.” (WRAL, [11/22/17](#))

Davis' district is specifically affected by GenX contamination in the Cape Fear River Basin.

The Cape Fear River is the primary source of drinking water for Brunswick, Bladen, New Hanover, and Pender counties. “Commercial production begins at the Fayetteville Works plant, built by chemical company DuPont. The plant is located about 15 miles south of Fayetteville on the border of Cumberland and Bladen counties. It sits along the Cape Fear River, the primary source of drinking water for Brunswick, Bladen, New Hanover and Pender counties.” (WRAL, 11/22/17)

Researchers from NC State received a grant to study GenX exposure among New Hanover County residents. “Researchers from North Carolina State University have received a grant from the National Institute of Environmental Health Sciences to study GenX exposure among New Hanover County residents whose primary water source is from the Cape Fear Public Utility Authority. GenX is a chemical generated in the production of nonstick coatings for cookware. This year, GenX was detected in the Cape Fear River, which serves as a drinking water source for around 300,000 residents in the lower Cape Fear River basin, including residents of New Hanover, Brunswick and Pender counties. Although the chemical is no longer being discharged into the river by the Chemours Company, measurable amounts of GenX are still being found in drinking water.” (WECT, 11/2/17)

Davis, named Senior Chairman of the House Select Committee on River Water Quality in September of 2017, was reluctant to add funding to House Bill 189 which would direct the Department of Environmental Quality to study emerging contaminants statewide.

The DEQ and DHHS initially requested \$2.5 million in appropriations to address emerging contaminants, including but not limited to GenX, in drinking water. “Two top state officials [have asked lawmakers](#) to appropriate \$2.5 million in emergency funds to help their respective agencies address unregulated, emerging contaminants, such as GenX, in drinking water. Secretaries Mandy Cohen of the Department of Health and Human Services and Michael Regan of the Department of Environmental Quality [sent a letter](#) to Rep. Ted Davis Jr. outlining the request. Davis is a Republican representing New Hanover County. Davis could not be reached immediately for comment.” (NC Policy Watch, [8/8/17](#))

The DEQ and DHHS sent a letter to Davis outlining the plans for the requested funds, which included developing a new unit within DHHS to develop a Water Health and Safety Unit and 16 new positions in DEQ. “DHHS is asking for \$530,839 to develop a Water Health and Safety unit within the Division of Public Health. This would include four positions, plus other resources for educating the public and analyzing health data. These are the requested positions, according to the agency:

- **Medical risk assessor**, a physician who has experience with poisoning and environmental toxicity;
- **PhD Toxicologist**, to research and review available studies and develop strategies to lessen harmful health effects;
- **Informatics/ epidemiologist**, to organize data and perform high-level analysis to determine the causes of harm to human health;
- **Health educator**, to establish adequate public notifications and provide educational materials and briefings to the public.

DEQ, which has been decimated by budget cuts and the elimination of 70 jobs since 2013, has requested \$2,049,569, detailed here:

- Funding for long-term water sampling for GenX at a cost of \$14,000 per week for a full year. Currently the cost is being funded by Chemours, which is responsible for the contamination, as well as the Environmental Protection Agency and private labs, but only temporarily.
- An additional 16 positions within the Division of Water Resources: Four engineers, three environmental specialists, two environmental senior specialists, two hydrogeologists, two program consultants, a business technology Analyst and two Chemist III positions. 'These water quality scientists and experts would work with local governments to identify where contaminants occur and where they came from,' the letter says." (NC Policy Watch, [8/8/17](#))

Davis repeatedly said that he was looking to pass short-term legislative solutions to the GenX issue and that the bill "could" include funding. "Rep. Ted Davis Jr., chairman of the [House Select Committee on River Quality](#), said earlier this month that lawmakers would introduce legislation suggested short-term solutions to the problem of emerging contaminants in the drinking water. He mentioned there could be money attached to the bill, and that the public would be invited to comment on it at the committee's Jan. 4 meeting." (NC Policy Watch, [12/22/17](#))

Initially, the legislation drafted to address GenX included the directives for DEQ and DHHS but included no funding, despite the fact that DEQ was forced to cut 16 positions and find \$1.9 million in savings within the department in recent years. "The workload on two state agencies to tackle the issue of emerging contaminants would increase under proposed legislation, but without more money to do that work. The Department of Environmental Quality would be required to analyze and review its notification and reporting requirements for emerging contaminants, such as GenX, according to a bill released to state lawmakers today. The bill would be introduced at the Jan. 10 special session. The proposed legislation would also direct DEQ to study the effectiveness of its approval process for NPDES wastewater discharge permits. The agency would also share water quality data with neighboring states. Meanwhile, the Department of Health and Human Services would work with the [Secretaries' Science Advisory Board](#) to review and establish provisional health goals for these emerging contaminants in drinking water. However, the bill doesn't contain any additional funding for DEQ or DHHS. Earlier this year, Gov. Roy Cooper requested from lawmakers \$2 million for DEQ and \$600,000 for DHHS to deal with contaminants in drinking water throughout the state. Lawmakers declined to appropriate the money." (NC Policy Watch, [12/22/17](#))

After pleas from House Democrats, the DEQ, and the public, Davis agreed to add \$1.3 million in one-time funding. "Alone, these provisions are a start, but still not particularly impressive. But unlike other GOP-driven unfunded mandates, this bill is backed by money. Real money, by modern standards of GOP stinginess. The House Appropriations Committee unanimously approved \$1.3 million in one-time funding, siphoned from an ill-advised and stalled project to chemically treat Jordan Lake. Plus another million to buy a high-resolution mass spectrometer, necessary for detecting unknown chemicals at extremely low levels, and to pay for the DEQ scientists to master it. [The bill](#), crafted in the House Select Committee on River Quality, did not originally contain funding. But the pleas from the public, DEQ and House Democrats, including Reps. Elmer Floyd of Cumberland County and Pricey Harrison of Guilford County, convinced committee co-chair Rep. Ted Davis Jr. to include it. 'I stand here today to compliment' Davis 'on keeping his word on seeking funding. He went beyond where I thought we would be,' Floyd said on the House floor." (NC Policy Watch, [1/11/18](#))

Davis voted “yes” on the 2017 budget, which decreased appropriations to the Clean Water Management Trust by 18 percent.

Despite Governor Cooper including \$25 million for the Trust in his budget, the Republican legislature opted for \$18 million, an 18 percent decrease from the 2016 budget. “Either amount is minuscule compared to the fund’s [\\$40 million appropriation in 2000](#), and the \$100 million it was supposed to receive [annually from 2004-05](#) through 2011-12. However, the fund never got the full amount. In fact, appropriations continued to decrease, at one point dipping as low as \$6 million. According to a coalition of conservation groups Land for Tomorrow, 135 local governments, conservation organizations, and state agencies requested nearly \$68 million from the trust fund in 2017. These groups would provide almost \$165 million in matching funds, more than doubling the state’s investment. Established by lawmakers in 1996, the fund is [charged with financing projects](#) that enhance and protect water quality. These projects aren’t sexy: stormwater controls, riparian buffer restorations, stream bank stabilizations. But without them, drinking and surface waters would become more polluted, with all the attendant environmental, financial and public health costs. Governed by a board of directors, the trust fund was under the NC Department of Environmental Quality until 2015. That’s when then-Gov. Pat McCrory exiled it and the Natural Heritage Trust Fund to the Department of Natural and Cultural Resources. Environmental advocates saw that shift as a way to minimize the importance of both projects.” (NC Policy Watch, [6/21/17](#))

Davis was a primary sponsor of HB2, which the Obama administration labeled as a violation of Title VII and IX of the Civil Rights Act, and the two follow-up “compromise” bills, HB186 and HB142, one of which would have put civil rights on the ballot.

Davis claimed that the civil rights grievances filed following the passage of HB2 were “unintended consequences.”

Davis referred to HB2’s impact as “unintended consequences.” “But with a Republican-dominated General Assembly, which hastily passed the law in a one-day special session last month, a full repeal may not be likely. Speaking publicly about the law for the first time, N.C. Rep. Ted Davis, R-New Hanover, who previously had declined comment about HB2 because of pending lawsuits against the law, said he would be willing to revisit the law’s impacts that lawmakers did not envision, particularly the ability to sue in state courts. ‘If there are some unintended consequences that came out of that bill ... then I’m certainly man enough to listen to what is proposed (to address it),’ Davis said. ‘I would never want someone to not have the right to bring a claim in court over a grievance.’” (Star-News, 4/26/16)

Davis said he was “not intimidated” by Obama administration threats concerning HB2 after a letter notifying them of violations to Titles VII and IX of the U.S. Civil Rights Act.

Davis was not “intimidated by either interpretations or threats by the Obama administration concerning HB2” after the Justice Department sent state leaders a letter notifying them of the violations to Titles VII and IX of the U.S. Civil Rights Act after HB2 was passed. “The Justice Department, under the administration of President Barack Obama, sent state leaders letters Wednesday saying the law violates the U.S. Civil Rights Act under Title VII, which bans discrimination by employers, and Title IX, which bans discrimination in education based on sex and employment discrimination. The finding could jeopardize billions in

federal aid for North Carolina, including for education. The department gave the state until Monday to signify it would not comply with or implement HB2. House Speaker Tim Moore, though, has already indicated legislators would not meet that deadline. And some of the region's other delegates to Raleigh said they are not cowed by the Justice Department action. ... 'The Obama administration is attempting to put an individual's feelings regarding their perceived gender before protecting the innocent from sexual predators who will exploit the twisted interpretation by the Obama administration to gain access to our children in bathrooms, locker rooms, and showers.' 'I am not intimidated by either interpretations or threats by the Obama administration against the State of North Carolina concerning HB2,' said N.C. Rep. Ted Davis, R-New Hanover. 'I will wait until the decision by the federal court as to whether HB2 is determined to be in violation of either Title 7 or Title 9, and then I will abide by that judicial decision and proceed accordingly.'" (Star-News, 4/6/16)

Davis was a primary sponsor of failed HB2 repeal, House Bill 186 which would have put civil rights on the ballot by making nondiscrimination policies subject to referendum.

HB 186 was the result of "closed-door negotiations between Republicans and Democrats." "Gov. Roy Cooper...voiced concerns about the proposal. 'I am concerned that this legislation as written fails the basic test of restoring our reputation, removing discrimination, and bringing jobs and sports back to North Carolina,' the Democratic governor said in a news release Wednesday. 'I will keep working with the legislature.' A spokeswoman for Republican Senate leader Phil Berger said 'we typically review and comment on House bills if and when they pass the House.' The bill would repeal HB2 but would limit the ability of local governments to pass nondiscrimination ordinances – something HB2 banned. Any ordinance could not address access to bathrooms in private facilities like the Charlotte ordinance that prompted HB2 by allowing transgender people to use the bathroom of their gender identity. Towns and cities could, however, regulate bathroom access in facilities they own or operate. Any local nondiscrimination ordinance could only take effect 90 days after being approved by the town or city council. Opponents of an ordinance could force a voter referendum on it by submitting a petition with the signatures of 10 percent of the voters who voted in the most recent municipal election." (News & Observer, 2/22/17)

HB 186 "still sanctions discrimination against transgender people and makes it harder for local governments to protect LGBT people under the law." "The American Civil Liberties Union joined LGBT groups and the Values Coalition in the opposition camp on Thursday. 'Rather than repeal HB2 entirely, this proposal still sanctions discrimination against transgender people and makes it harder for local governments to protect LGBT people under the law,' ACLU North Carolina policy director Sarah Gillooly said in a news release. 'Treating LGBT people as second-class citizens whose rights and equal protection can be put to a vote is disgraceful and will not undo the ongoing harm HB2 has brought to North Carolina and its people.' Gillooly's statement is referring to a provision in the bill that would allow residents to petition against a local nondiscrimination ordinance, forcing a ballot referendum on the ordinance if they collect enough signatures. In the House, the bill continued to pick up co-sponsors from both political parties on Thursday. Early Thursday afternoon, 18 legislators were listed as co-sponsors, with 13 Republicans and five Democrats. Most of the GOP supporters are from urban or suburban districts." (The Herald-Sun, 2/24/17)

HB 186 garnered opposition from LGBT groups who believed it would "double down on the harm our state and LGBTQ people have already suffered." "Wednesday's proposal quickly garnered opposition from LGBT advocacy groups and some Democrats in the

legislature. Chris Sgro, executive director of Equality N.C., said the bill would ‘double down on the harm our state and LGBTQ people have already suffered. I’m certain this will not bring back business or sporting events, and only serves to reinforce the damage,’ he said in an email. ‘We can still fix this by allowing for the immediate vote on a clean repeal of HB2. Everything else is a distraction from the real issue.’” (Star-News, 2/23/17)

Gov. Cooper compared the measure to “putting the Civil Rights Act to a popular vote in cities in the South during the 1960s.

Gov. Cooper said the call for referenda on local ordinances would be like “putting the Civil Rights Act to a popular vote in cities in the South during the 1960s.” “Cooper responded to McGrady’s bill on Sunday in a post on Medium by saying he is willing to work with lawmakers to repeal HB2, but also insisted that allowing for referenda on local LGBT ordinances would be damaging and continue to hurt the state’s national reputation. “It would be like putting the Civil Rights Act to a popular vote in cities in the South during the 1960s,” Cooper said of the referendum provision. “Except today, it would come with the perils of modern campaigns. Which is my second concern. Imagine the endless campaigning - months of one side demonizing the other about whether LGBT citizens have rights. Toxic 30-second TV ads. Nasty mail filling up your mailbox. And North Carolina is still in the national news for all the wrong reasons.” (Charlotte Business Journal, 2/28/17)

Davis voted for the 2017 Republican budget that prioritizes tax cuts over funding public schools, and has reinforced the idea that NC is paying its teachers enough despite NC spending less than the national average on teachers and students.

The Republican budget continues the trend of cutting taxes rather than raising per pupil spending. “This budget will cut individual income tax rates to 5.25 percent from 5.499 percent and the corporate rate to 2.5 percent from 3 percent in the second year, costing the state \$900 million annually when fully implemented. This means that the legislature will eventually have cut \$3.5 billion annually in all its tax cuts –money that could have gone for services. North Carolina, for example, ranks 41st nationally in per pupil spending for public education. Here is a question for lawmakers: Which is most likely hindering industrial recruitment and economic development in small-town North Carolina –high taxes or poor schools?” (News & Observer Editorial, 6/24/17, S257, Vetoed 6/27/17, Senate Veto Override 6/27/17, House Veto Override 6/28/17)

Davis voted for a Republican budget that prioritizes tax cuts over funding public education, the second largest employer in New Hanover.

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The county school system is the second largest employer in New Hanover. (NC Dept. of Commerce, Quarterly Census of Employment and Wages, retrieved [1/8/18](#))

The Republican budget does not include a stipend to aid teachers with out-of-pocket expenses, yet Davis has reinforced the idea that North Carolina is paying its teachers enough.

Republican lawmakers did not include Gov. Cooper's recommendation of a stipend to aid teachers with out-of-pocket expenses in the final budget proposal. "He also criticized lawmakers' decision to omit his proposed stipend for teachers to help buy classroom supplies, a lack of funding for teaching assistants, school nurses and school counselors and shifting more money into the Opportunity Scholarships private school voucher program. "Teachers see through dishonest budget gimmicks," Cooper said as he was surrounded by a group of teachers at the Executive Mansion." (WRAL, [6/26/17](#))

Davis has repeatedly reinforced the idea that North Carolina is paying its teachers enough and sufficiently funding public education under the Republican majority, despite the fact that NC currently spends \$3,044 less per student than the national average.

"Wilmington officials and state representatives assembled over breakfast sandwiches and coffee Monday morning to discuss the city's goals for the upcoming legislative session. ... 'Today, we don't fund it the way we should,' said the newest member of the region's N.C. General Assembly delegation, chosen Feb. 1 to replace Rep. Susi Hamilton. 'Our teachers are not paid what they should be earning. We are at the bottom of the barrel across the country in terms of education funding.' That prompted a sharp rebuke from state Rep. Ted Davis Jr., R-New Hanover, who called her comment absolutely incorrect. He said he knows North Carolina and Butler will 'see the facts and figures when you get up to Raleigh.' Butler interjected, telling Davis his response was a little patronizing. Davis then told her, 'Don't interrupt me.' 'Don't sit here and say North Carolina is at the bottom of the barrel,' he continued, before Councilman Neil Anderson tempered the heated argument with a change of subject. For his part, state Sen. Michael Lee said more rural schools are truly hurting for the basic essentials like books and chairs. 'You cannot raise taxes higher enough in some of these areas to make a difference [sic] for these kids,' he said. 'We are going to have to figure something out. I represent this area and I will work out for this area, but we also have to remember the rest of the state.'" (Star News, 2/28/17)

Davis voted for a Republican budget that shortchanges teachers by failing to meaningfully raise teacher salaries

Many educators, including veterans of 25 years, will only see an increase of \$30 a month, merely a tank of gas. "The newly unveiled North Carolina state budget does include increases in teacher pay, but they are neither big nor dramatic. Many educators – including veterans who have devoted 25 years or more to our state's children – will see an increase of \$30 a month. That amounts to little more than a tank of gas, which will hardly be enough to allow teachers to quit their second or third jobs." (Charlotte Observer, Op-Ed, [6/21/17](#), S257, Vetoed [6/27/17](#), Senate Veto Override [6/27/17](#), House Veto Override [6/28/17](#))

Starting teacher pay remains at \$35,000 under the Republican budget. "Under the teacher pay plan, teachers with 17 to 24 years of experience would see some of the biggest raises. Starting teacher pay would remain at \$35,000, but teachers at most experience levels would get a raise." (News & Observer, [7/1/17](#), S257, Vetoed [6/27/17](#), Senate Veto Override [6/27/17](#), House Veto Override [6/28/17](#))

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