

OCT 7 2025

NC OSH Review Commission

DOCKET NO.: OSHANC 2024-6636
INSPECTION NUMBER: 318278041
CSHO ID: F6087

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At 9:15AM on October 7, 2025, the Hearing reconvened. Attorneys Boyd and Agan appeared on behalf of Complainant and Attorney Abrams appeared on behalf of Respondent. At the Hearing, Complainant and Respondent agreed upon and consented to certain stipulations (“Stipulations”) and wish to make certain motions (“Motions”). Complainant and Respondent requested that the Stipulations and Motions be made part of the Hearing record and that the

Undersigned issue a Consent Order. At approximately 9:45AM, the Hearing was continued to reconvene at 11:00AM. At approximately 11:00AM, Attorney Boyd appeared on behalf of Complainant and Attorney Abrams appeared on behalf of Respondent to enter the terms of the consent order of the record. The Stipulations and Motions are as follows.

STIPULATIONS

1. The Complainant, as Commissioner of Labor of the State of North Carolina, is charged by law with compliance with and enforcement of the provisions of the Occupational Safety and Health Act of North Carolina, Article 16, Chapter 95 of the General Statutes of North Carolina (hereinafter "the Act").
2. The Review Commission has jurisdiction over the parties and the subject matter to this action.
3. On December 12, 2023, Compliance Safety and Health Officer (CSHO) Tyler Smith, employed by the North Carolina Department of Labor (NCDOL), inspected Respondent's worksite located at 476 Reeder Rd in Seagrove, North Carolina pursuant to a General Schedule assignment ("the Inspection").
4. Respondent, Reeder Pallet Company, Inc., is a North Carolina corporation, duly organized and existing under the laws of the State of North Carolina, which does business in the State of North Carolina and maintained a place of business in Seagrove, North Carolina. Respondent is in the business of wood pallet manufacturing. Respondent is an "employer" within the meaning of N.C.G.S. §95-127(11); and Respondent's employees referred to in this matter are "employees" within the meaning of N.C.G.S. §95-127(10).
5. As a result of the Inspection, on February 21, 2024, Complainant issued one serious citation with three items and one non-serious citation with one item carrying the following proposed abatement dates and penalties in the Citation and Notification of Penalty (hereafter referred to as the "Original Citation"):

CITATION NUMBER ONE (Serious)

<u>Item No.</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
1	29 CFR 1910.147(c)(4)(i)	Immediately upon receipt	\$3,125.00
2	29 CFR 1910.147(c)(7)(i)(A)	Immediately upon receipt	\$3,125.00
3	29 CFR 1910.212(a)(1)	Immediately upon receipt	\$3,125.00

CITATION NUMBER TWO (NonSerious)

<u>Item No.</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
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1	29 CFR 1910.305(b)(1)(i)	Corrected during insp.	\$0.00
TOTAL:			\$9,375.00

6. Citation One, Item 3 alleged three serious instances of violations 29 CFR 1910.212(a)(1) referred to as “instance a)”, “instance b)” and “instance c)”, the alleged violation descriptions (AVD) are included below:
 - a) Facility, production area - where employees operated the pallet machine that was not guarded to provide protection from nip points.
 - b) Facility, production area - where employees operated the pallet dismantler (un-Nailer) that was not guarded to provide point of operation protection from contact with the cutting blade.
 - c) Facility, production area - where employees operated the saw board that had a damaged guard.
7. Respondent submitted a timely notice of Contest dated March 19, 2024.
8. Respondent submitted a statement of position to the Review Commission on or about April 2, 2024 that narrowed the scope of Respondent’s contestment by contesting Citation One, Items 1 through 3 only. Respondent did not contest Citation Two, Item 1.
9. The Hearing in this matter was scheduled pursuant to Rules of Procedure of the Safety and Health Review Commission of North Carolina (the “Rules”).
10. Complainant and Respondent have no objection, either procedural or otherwise, to this Hearing; waive the making of a transcript; and consent to the conduct of this Hearing by the Undersigned and consent to entry of this Order.
11. Respondent confirms that the Original Citation and the Hearing Notice have been posted as required by the Rules.
12. Neither Complainant nor Respondent have received notification from any affected employee that such employee, or its representative, wishes to have a say in, or participate as a party in, this matter, or has any objections in connection with this matter including without limitation objection to the reasonableness of any abatement period.

13. Respondent confirms that all violations alleged in the Original Citation as amended have been abated.
14. Respondent agrees to the following safety enhancements:
 - a. Develop and implement a machine guarding inspection program to ensure all manufacturer-provided guards on pallet assembling/disassembling equipment are in place and functional. The program shall be in writing. The inspection checklist shall be developed and the first inspection conducted within 120 days of signing this Agreement. Periodic inspections shall be conducted every six (6) months thereafter for a period of two (2) years. Complete records of the inspections shall be maintained for a period of two (2) years and made available to the OSH Division upon request.
 - b. Assess all incoming pallet assembling/disassembling equipment or machines to ensure that all guards indicated by the manufacturer are present.
 - c. Respondent will conduct a thorough machine guarding assessment for the pallet dismantler machines to ensure the guards, e-stop buttons, and interlocks are fully operable. As part of this assessment, Respondent will etch or mark a highly visible line on the saw table at least at the 18-inch mark to give a visual indicator of the danger zone to the employees. Warning decals with the work procedures will be posted on the machine or in the immediate area for employees to reference. Respondent will also document the work procedures and provide training to all the employees which will use the pallet dismantler machines. Complete records of the work procedures and training shall be maintained for a period of two (2) years and made available to the OSH Division upon request.
 - d. Ensure employees working near machine equipment never wear loose-fitting clothing, jewelry, or other items that may become entangled in the machine's moving parts.
15. Respondent agrees to pay the new total penalty of **\$6,250.00 within thirty (30) days of the date of this Order**. In the event Respondent does not pay the penalty as agreed upon, Complainant retains the right to institute collection proceedings as allowed by law. Respondent agrees to collection proceedings to collect the debt. Payment is to be by check payable to the North Carolina Department of Labor, OSHA Division (identifying Inspection No. **318278041**) and mailed to North Carolina Department of Labor, Financial Services Division. ATTN: Collections Division, 1101 Mail Service Center, Raleigh, NC 27699-1101.
16. The parties agree to bear their own fees, costs and other expenses, including attorney's fees if any, that have been incurred in connection with any stage of these proceedings up to and including the filing of this Consent Order.
17. Complainant and Respondent agree that provided the respective Motions of each party are granted:

- (a) there are no other matters that remain to be decided, and that other than a ruling with respect to the Motions, no outstanding issues remain to be resolved by additional evidentiary hearing of this matter;
- (b) this Consent Order is a full and final resolution of the claims set out in the underlying Original Citation, as amended pursuant to Complainant's Motion;
- (c) the modification of any portion of the Original Citation by Complainant shall not be deemed to be an admission by Complainant that any such portion was alleged without merit;
- (d) none of the foregoing agreements, statements, stipulations and actions taken by Respondent shall be deemed an admission by the Respondent of any of the allegations contained in the Original Citation as amended or waiver of defenses; provided however that in any subsequent proceeding with respect to matters covered by this Consent Order brought directly under the Act by Complainant, this Consent Order shall have the full force and effect of a final order; and
- (e) the agreements, statements, stipulations and actions herein by Complainant and by Respondent are solely for the purpose of resolving this matter economically and amicably without litigation and shall not be used for any other purposes except for proceedings and matters arising under the Act and Article 21, Chapter 95 of the North Carolina General Statutes.

MOTIONS

1. Complainant moved to do the following ("Complainant's Motion"):
 - a) **Reclassify Citation One, Item 1 to Non-Serious and delete the associated penalty;**
 - b) **Reclassify Citation One, Item 2 to Non-Serious;**
 - c) **Amend the alleged violations descriptions (AVD) in Citation One, Item 3, to delete instance a) and instance b), the text to be deleted is included below:**
 - a) **Facility, production area - where employees operated the pallet machine that was not guarded to provide protection from nip points.**
 - b) **Facility, production area - where employees operated the pallet dismantler (un-Nailer) that was not guarded to provide point of operation protection from contact with the cutting blade.**

Except as set forth in this Motion, the Original Citation shall remain unmodified or amended.

Respondent did not object to Complainant's Motion.

2. Respondent requested that upon the granting of Complainant's Motion, that the Undersigned consider the following motion by the Respondent ("Respondent's Motion"):

Withdraw Respondent's Notice of Contest to the Original Citation as amended pursuant to Complainant's Motion set forth above.

Complainant did not object to Respondent's Motion.

FINDINGS OF FACT

Based on the record and the Stipulations at the time of the Hearing as memorialized herein, the Undersigned makes the following Findings of Fact:

1. Complainant, Commissioner of Labor of the State of North Carolina, is an agency of the State of North Carolina charged with the administration and enforcement of the provisions of the Act.
2. Respondent is subject to the provisions of the Act and jurisdiction of the Safety and Health Review Commission of North Carolina.
3. This Court has jurisdiction over the parties and the subject matter of this Hearing.
4. Neither party has any objection, procedural or otherwise, to this Hearing. No affected employee elected party status and no employee raised an objection to the reasonableness of the abatement time.
5. The Stipulations are incorporated by reference as Findings of Fact to the extent necessary to give effect to the provisions of this Order.

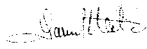
CONCLUSIONS OF LAW

The foregoing Findings of Fact are incorporated by reference as Conclusions of Law to the extent necessary to give effect to the provisions of this Order.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED:

1. That Complainant's Motion is hereby **GRANTED**;
2. That Respondent's Motion is hereby **GRANTED**;
3. That Respondent shall pay the penalty of **\$6,250.00 within thirty (30) days of this Order**; and
4. That the parties shall comply with the terms and conditions set forth in the Stipulations.

This the 10/07/2025.

Signature: 

Email: lwetsch@winslow-wetsch.com

Laura J. Wetsch
Hearing Examiner

CONSENTED TO:

Signature: Sage A. Boyd

Sage A. Boyd Oct 7, 2025 11:31:38 EDT

Email: sboyd@ncdoj.gov

Sage A. Boyd
Special Deputy Attorney General
North Carolina Department of Justice

sboyd@ncdoj.gov

Signature: 

Adele Abrams Oct 7, 2025 11:31:38 EDT

Email: aabrams@littler.com

Adele Abrams
Senior Counsel
Littler Mendelson, PC

AAbrams@littler.com

ATTORNEY FOR COMPLAINANT

ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER upon:

ADELE ABRAMS
LITTLER MENDELSON, PC
815 CONNECTICUT AVE, NW
SUITE 400
WASHINGTON, DC 20006
aabrams@littler.com

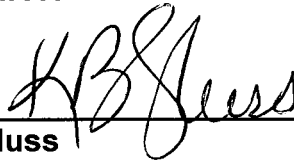
SAGE A. BOYD
NC DEPARTMENT OF JUSTICE
LABOR SECTION
PO BOX 629
RALEIGH NC 27602
sboyd@ncdoj.gov

NC DEPARTMENT OF LABOR
LEGAL AFFAIRS DIVISION
1101 MAIL SERVICE CENTER
RALEIGH, NC 27699-1101

via email.

THIS THE 7 DAY OF October 2025.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
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