

**BEFORE THE NORTH CAROLINA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
RALEIGH, NORTH CAROLINA**

FILED
MAY 12 2026
NC OSH Review Commission

COMMISSIONER OF LABOR FOR THE STATE OF NORTH CAROLINA)	DOCKET NO: 2024 - 6672
)	
)	INSPECTION
Complainant,)	NO: 318279247
)	
v.)	CSHO ID: P8193
REHRIG PACIFIC CO.)	<u>CONSENT ORDER</u>
and its successors)	
)	
Respondent.)	

THIS CAUSE coming on pursuant to the Notice of Hearing (“Hearing Notice”) on May 12-14, 2026 at 10 a.m. before Hearing Examiner R. Joyce Garrett, via Lifesize teleconferencing platform. Madison L. Beveridge, Assistant Attorney General, North Carolina Department of Justice, Raleigh, North Carolina appeared for Complainant. Alex W. West, attorney with Fisher & Phillips LLP in Charlotte, North Carolina, appeared for Respondent.

No affected employee of Respondent attended to have a say in, or participate as a party in, the Hearing.

At the Hearing, Complainant and Respondent: (i) notified the Undersigned that the parties agree upon certain stipulations (“Stipulations”) and wish to make certain motions (“Motions”); and (ii) requested that the Stipulations and Motions be made part of the Hearing record and that a Consent Order be issued. 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”), including making inspections and issuing citations and other pleadings, and brings this action pursuant to N.C.G.S. §§95-133 et seq.

2. Pursuant to N.C.G.S. §95-135 the Review Commission has jurisdiction over the parties and the subject matter of this action.

3. Respondent is a Delaware corporation, which was authorized to do business in North Carolina on June 14, 2013. It is active and current and maintains a place of business in Lincolnton, North Carolina. Respondent is in the business of recycling wooden and plastic pallets and plastic crates. Respondent is an “employer” within the meaning of N.C.G.S. Section 95-127(11); Respondent’s employees referred to in this matter are “employees” within the meaning of N.C.G.S. Section 95-127(10).

4. During the period between January 3, 2024, and January 18, 2024, Compliance Safety and Health Officer Beverly Stone, employed by the North Carolina Department of Labor, inspected Respondent’s worksite located 1419 E. Gaston St, Lincolnton, North Carolina (the “Inspection”). Compliance Safety and Health Officers Amanda Murphy, Nathan Cline, and Samantha Case accompanied Officer Stone.

5. As a result of the Inspection, on June 14, 2024, Complainant issued a citation, carrying the following proposed abatement dates and penalties:

CITATION NUMBER ONE (Serious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
Grouped			
001a	29 CFR 1910.147(c)(4)(i)	8/1/2024	\$ 8,000.00
001b	29 CFR 1910.147(c)(7)(i)(A)	Corrected During Inspection	\$ 0.00

CITATION NUMBER TWO (NonSerious)

<u>Item</u>	<u>Standard</u>	<u>Abatement Date</u>	<u>Penalty</u>
001	29 CFR 1910.22(a)(1)	Corrected During Inspection	\$2,400.00
Grouped			
002a	29 CFR 1910.95(d)(1)	8/1/2024	\$2,400.00
002b	29 CFR 1910.95(g)(1)	8/1/2024	\$ 0.00
002c	29 CFR 1910.95(k)(1)	8/1/2024	\$ 0.00
003	29 CFR 1910.1053(j)(1)	8/1/2024	\$ 0.00

TOTAL PROPOSED PENALTY \$ 12,800.00

6. Respondent submitted a timely Notice of Contest dated August 13, 2024. On or about September 16, 2024, Complainant received "Employer's/Respondent's Statement of Position" which requested that formal pleadings be served. Complainant's Complaint was filed November 21, 2024. Respondent's Answer To Complaint was filed December 11, 2024.
7. The Hearing in this matter was scheduled pursuant to the Rules of Procedure of the Safety and Health Review Commission of North Carolina (the "Rules").
8. Complainant and Respondent have no objection, either procedural or otherwise, to this Hearing; both parties consent to the conduct of this Hearing by the Undersigned, and to entry of this Consent Order.
9. Respondent posted the Original Citation and the Hearing Notice as required by the Rules. 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 time.
10. Respondent confirms that the violations alleged in the Original Citation as amended pursuant to Complainant's Motion have been abated.

Complainant confirms that no additional documentation of abatement is required by Complainant.

11. The parties agree that upon granting of Complainant's Motion that the proposed penalty for the Items designated in the Original Citation has been calculated in accordance with the standard Field Operations Manual procedure; and the new proposed penalty for the Items designated in the Original Citation as amended pursuant to Complainant's Motion has been derived in consideration of the standard mitigating factors and specific factors applicable to Respondent.
12. Respondent, as enhanced abatement, agrees to:
 - a) Send one manager at the facility to OSHA-30 General Industry, to be completed within 180 days of the entry of this consent order;
 - b) Send two employees at the facility to OSHA-10 General Industry, to be completed within 180 days of the entry of this consent order;
 - c) Evaluate its Hearing Conservation Program for the facility and, to the extent it has not already, implement an audiometric testing program as set forth in 1910.95(g). This program, if not already implemented, will begin to be implemented within 90 days of the entry of this consent order;
 - d) Hold a refresher training on the importance of housekeeping and following housekeeping protocols to continue to minimize the accumulation of dust in the facility. This refresher training will be provided to employees who work in the Grinder Room, and who are responsible for housekeeping/cleaning. It will be provided within 30 days of the entry of this consent order; and

- f) To pay the new penalty of \$5,000.00 assessed in this matter within 30 days of the date of this Consent Order.

In the event Respondent does not pay the penalty as stated above, all unpaid amount shall become immediately due and payable, and the Complainant retains the right to institute collection proceedings as allowed by law. Respondent agrees to pay attorney's fees to Complainant in the event that the Complainant institutes 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. 318279247) and mailed to North Carolina Department of Labor Financial Services Division, ATTN: Collections Division, 1101 Mail Service Center, Raleigh, North Carolina 27699-1101. Credit card payment may also be arranged.

13. 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.

14. Complainant and Respondent agree that provided the respective Motion of each party is 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 an 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 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 a waiver of any defense, 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;

- 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 further 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

Complainant moved to do the following ("Complainant's Motion"):

- a) Delete Citation 01, Items 001a and 001b, and their associated penalties and abatements.

- b) Delete Citation 02, Items 001, 002a, 002b, and 002c and their associated penalties and abatements.
- c) Amend the cited standard for Citation 02, Item 3 from 29 CFR 1910.1053(j)(1) to 29 CFR 1910.1053(c) and increase the associated penalty from \$0.00 to \$5,000.00. The citation item remains classified as NonSerious. The Parties agree that this citation was abated during the inspection and no additional abatement is required, and that no monitoring or additional testing is required to be completed by Rehrig.

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

Respondent did not object to Complainant's Motion.

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

- a) To withdraw Respondent's Notice of Contest to the Original Citation, as amended pursuant to Complainant's Motion.

Complainant did not object to Respondent's Motion.

FINDINGS OF FACT

Based on the Stipulations at the time of the Hearing and the record, 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.
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

1. 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.

2. Respondent is an “employer” within the meaning of N.C.G.S. §95-127(11); Respondent’s employees referred to in the Complaint are “employees” within the meaning of N.C.G.S. §95-127(10).
3. This Court has jurisdiction over the parties and the subject matter of this Hearing.
4. Respondent is subject to the provisions of the Act and jurisdiction of the Safety and Health Review Commission of North Carolina.

Based on the foregoing Findings of Fact and Conclusions of law, **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 meet the requirements of Stipulation 12 as set out above; and
4. That the parties shall comply with the terms and conditions set forth in the Stipulations and in this Consent Order.

Effective May 12, 2026.

SO ORDERED

Signature: R. Joyce Garrett
R. Joyce Garrett (May 12, 2025 10:48:10 EDT)
Email: rjg.rjg@aol.com

R. Joyce Garrett
Hearing Examiner

CONSENTED TO:

Signature: Madison Beveridge
Madison Beveridge (May 12, 2025 10:27:34 EDT)
Email: mbeveridge@ncdoj.gov

Madison L. Beveridge, Esq.
Assistant Attorney General
North Carolina Department of Justice
P.O. Box 629/Labor Section
Raleigh, NC 27602
Tel. 919-716-6680
Email: mbeveridge@ncdoj.gov
Counsel for Complainant

Signature: Alex W. West
Email: awwest@fisherphillips.com

Alex W. West, Esq.
Partner
Fisher & Phillips LLP
227 West Trade Street, Suite 2020
Charlotte, North Carolina 28202
Tel. 704-778-4174
Email: awwest@fisherphillips.com
Counsel for Respondent

CERTIFICATE OF SERVICE

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

ALEX W WEST
FISHER & PHILLIPS LLP
awwest@fisherphillips.com

MADISON BEVERIDGE
NC DEPARTMENT OF JUSTICE
LABOR SECTION
mbeveridge@ncdoj.gov

NC DEPARTMENT OF LABOR
GENERAL COUNSEL'S OFFICE

By email and hand delivery.

THIS THE 12 DAY OF May 2026.

PAUL E. SMITH
CHAIRMAN



Karissa B. Sluss
Docket Administrator
NC Occupational Safety &
Health Review Commission
422 N Blount St
Raleigh, NC 27601
TEL.: (984) 389-4132
Karissa.sluss@oshrc.labor.nc.gov
NCOSHRC@oshrc.labor.nc.gov