

What Is a Third-Party Claim After an Oilfield Accident?

Experienced San Antonio attorneys standing up to Big Oil on your behalf

Oilfield work is tough. You're out there on rigs, dealing with massive equipment, high pressures, and all sorts of hazards that can turn a regular shift into a nightmare. Blowouts, falls, truck wrecks, and chemical burns happen more often than they'd like to admit, and when they do, the injuries can end a career or worse.

That's where a third-party claim comes in. It's basically your chance to go after someone besides your employer for what happened, like a contractor, equipment maker, or truck driver who screwed up and caused the mess. Workers' comp might cover your hospital bills and some lost pay, but it won't touch pain, suffering, or your future earning power. A third-party [oilfield accident](#) claim can, and often does, mean real money to help you rebuild.

What causes most oilfield accidents in Texas?

Oilfield accidents often stem from the high-stakes mix of heavy machinery, extreme pressures, and harsh conditions on rigs and fracking sites. These incidents lead to devastating injuries such as burns, crush trauma, and fatalities, costing lives and livelihoods every year. Here are the most common causes:

- **Equipment failure:** Malfunctioning blowout preventers, faulty drill pipes, or worn cranes that snap under pressure, often due to poor maintenance or manufacturing defects.
- **Human error:** Fatigued workers skipping safety steps, improper lockout/tagout during repairs, or rushed job safety analyses on tight deadlines.
- **Falls from height:** Slips on icy rig floors, unstable scaffolds, or unguarded platforms during drilling or tie-in operations.
- **Vehicle collisions:** Truck rollovers on lease roads, man-basket drops, or tanker crashes hauling frac fluid, worsened by potholes or overloaded rigs.
- **Explosions and fires:** Sparks igniting H₂S gas, volatile chemicals, or fuel leaks during welding or hot work near volatile zones.
- **Chemical exposure:** Benzene or frac fluid mishandling causing poisoning, skin burns, or long-term cancers from inadequate PPE or SDS (Safety Data Sheet) violations.
- **Understaffing:** Overworked crews cutting corners on inspections, housekeeping, or confined space permits.

Who is responsible for a Texas oilfield accident?

Oilfield accidents are often the result of multiple parties sharing the site, each with their own responsibilities. From rig operators to outside vendors, pinpointing fault can open doors to compensation beyond workers' comp. Here's who can typically be held responsible:

- **Equipment manufacturers** can be liable for defective blowout preventers, drill bits, or PPE with design flaws, weak welds, or missing warnings that fail under real-world stress.
- **Maintenance and service contractors** can be at fault for botched inspections, improper repairs, or skipped non-destructive testing on pumps, pipes, or cranes.
- **General and subcontractors** can be negligent for in-site control, like ignoring job safety analyses (JSAs), skipping lockout/tagout, or poor housekeeping, leading to slips or dropped loads.
- **Transportation companies** can be found responsible for rollovers on lease roads, overloaded rigs, or man-basket failures due to fatigue or FMCSA violations.
- **Premises owners and leaseholders** are responsible for hazardous conditions like icy walkways, unbraced scaffolds, or failure to enforce safety rules despite control.
- **Chemical suppliers** can be liable for contaminated frac fluids, bad MSDS sheets, or mishandled toxins sparking exposures, fires, or poisoning.

What makes a third-party claim different from workers' comp?

Workers' comp covers medical bills and 70% of your average weekly wage, but it's strictly capped by Texas law. For high-earning oilfield workers, this is often a massive pay cut, as the state maximum benefit usually falls far short of a typical rig-hand's weekly take-home pay.

Plus, if your employer is a "subscriber" to workers' comp, you are legally barred from suing them for pain and suffering. However, if your employer is a non-subscriber (meaning they opted out of the state system), you can sue them directly for full damages. In either case, a third-party claim allows you to pursue fault-based compensation from other negligent companies on the site

You prove that another party owed you a duty, breached that duty, and that breach led to your accident and injuries.

With a third-party claim, there are no caps on what you can win. You get full lost wages (including what you'd make over 30 years), future medical via a life care plan, and pain and suffering that juries sometimes hit seven figures on.

What kind of money can I really recover from a third-party oilfield accident claim?

In a third-party work injury claim, an injured worker may recover a wider range of damages. These damages generally include:

- **Economic damages:** These cover direct financial losses, including past and future medical expenses, lost wages, reduced earning capacity, and other out-of-pocket costs related to the injury.
- **Non-economic damages:** These pay for the personal impact of the injury, such as pain and suffering, emotional distress, loss of enjoyment of life, permanent disability, disfigurement, and, in some cases, loss of consortium for a spouse.

How do I pursue a third-party oilfield accident claim?

To pursue a third-party oilfield accident claim, first seek immediate medical attention and document all injuries thoroughly, as this establishes the foundation of your case. Report the incident to your employer in writing and note only facts without admitting fault, and preserve evidence such as photographs of the scene, equipment, and hazards.

Next, consult an experienced Texas oilfield injury attorney immediately. A lawyer can issue a "spoliation letter," which is a formal legal notice that prevents companies from repairing equipment or destroying maintenance logs before they can be inspected. This ensures the "black box" data and physical evidence needed to prove your claim doesn't disappear overnight.

Plus, a lawyer can gather additional key evidence to prove negligence. Make sure you file the claim within Texas's statute of limitations, which is two years for negligence claims from the date of the oilfield accident. Missing this deadline can hurt your chances of getting compensated. But it's important to act fast before the evidence disappears.

Also, follow all medical and legal advice. That means, don't give insurance companies a recorded statement about the accident or your injuries, and avoid any activities that can make your condition worse or disprove your claim.

What challenges might I face when pursuing an oilfield injury claim?

Oilfield injury claims can be complicated, especially when multiple companies, contractors, and insurance companies are involved. Even if your injuries are severe, getting the compensation you deserve isn't always straightforward. Here are some of the most common hurdles injured oilfield workers encounter:

- **Disputes over liability:** Oilfield sites often involve several employers and contractors, each trying to shift responsibility to someone else. Sorting out who actually caused the accident can take an in-depth investigation. Under Texas law, even if you were partially at fault, you can still recover compensation as long as your responsibility doesn't exceed

50%. We focus on shifting that percentage back onto the billion-dollar companies that cut corners.

- **Aggressive insurance companies:** Insurers representing oil companies and equipment manufacturers will often minimize your injuries, question your medical records, or pressure you into taking a quick, lowball settlement.
- **Missing or hidden evidence:** Critical evidence like faulty equipment, maintenance logs, or safety videos can disappear quickly after an accident if it isn't preserved right away.
- **Complex legal rules:** Third-party cases require proving negligence, not just that you were hurt. You must show that the other party owed you a duty of care, violated it, and that this violation directly caused your injuries.
- **Time limits:** Texas's two-year statute of limitations for personal injury claims sounds like a lot, but investigations, evidence gathering, and expert testimony all take time. Missing deadlines can end your case before it starts.

Note on Workers' Compensation Claims: Please note that our firm does not handle standalone, administrative workers' compensation claims. We focus exclusively on personal injury litigation and third-party liability claims, which are the legal actions that allow you to seek full compensation for pain, suffering, and total lost future earnings that the workers' comp system ignores.

Frequently Asked Questions: Oilfield Accidents & Third-Party Claims

Can I sue a third party if I am already receiving workers' comp?

Yes. In Texas, receiving workers' compensation benefits does not prevent you from filing a lawsuit against a "third party" (someone other than your employer). While workers' comp covers your immediate medical bills, a third-party claim allows you to seek additional damages for pain, suffering, and the full value of your lost future wages.

How much time do I have to file an oilfield injury claim in Texas?

Generally, the statute of limitations for personal injury and third-party claims in Texas is two years from the date of the accident. However, in the oilfield, it is critical to act much faster. Evidence such as rig maintenance logs, electronic data from trucks, and physical components can be lost or destroyed if a legal "hold" isn't placed on them immediately.

What is the difference between an oilfield "subscriber" and a "non-subscriber"? A

"subscriber" is a Texas employer who carries state-regulated workers' compensation insurance, which generally protects them from being sued by employees for negligence. A "non-subscriber" has opted out of this system. If you work for a non-subscriber, you have the right to

sue your employer directly for your injuries, and they lose many of the legal defenses typically available to companies.

Can I sue the equipment manufacturer if a tool fails on the rig?

Yes. If a blowout preventer, valve, drill pipe, or any other piece of equipment fails due to a design or manufacturing defect, you can file a product liability claim. These third-party claims are vital because equipment manufacturers often have significant insurance coverage that can help cover the costs of catastrophic injuries.

Who is at fault if a contractor causes my injury on an oilfield site?

On a multi-employer worksite, the "General Contractor" or the "Host Employer" (often the lease operator) typically has a duty to coordinate safety. However, the specific contractor who created the hazard, such as a specialized cementing crew or a trucking vendor, can be held independently liable for their negligence.

Who is liable for a truck accident on a private lease road?

Liability for accidents on lease roads can be complex because these roads are not maintained by the state or county. Depending on the cause of the crash, you may have a third-party claim against the trucking company for driver fatigue or FMCSA violations, the maintenance contractor responsible for road safety (such as dust control or pothole repair), or the lease operator who failed to provide adequate traffic control or signage in high-risk zones.

Can I file a claim for H2S gas exposure?

Yes. If you were exposed to hydrogen sulfide (H₂S) gas due to a contractor's failure to provide working monitors, adequate ventilation, or proper respiratory equipment, you can pursue a third-party claim. These cases often involve severe long-term respiratory or neurological damage, and third-party litigation is often the only way to recover the significant funds needed for lifelong medical care.

Get a San Antonio oilfield accident lawyer who will fight for the compensation you deserve

If you were hurt in an oilfield accident, standard benefits are rarely enough to cover the true cost of your recovery. You only get one shot at a full legal recovery. Make it count by putting [The Herrera Law Firm](#) on your side.

Our San Antonio oilfield accident lawyers provide the relentless legal representation required to overturn denied claims and secure the benefits your family relies on. We've spent decades

taking on powerful oil companies and their insurers throughout the Eagle Ford Shale, and we have the steadfast advocacy it takes to win.

Best of all, we operate on a contingency fee basis, which means you don't pay us anything up front. Plus, we offer a free consultation where we'll listen to your story, explain your legal options, and outline a strategy tailored to your situation. [Contact us online](#) or call to book a free consultation with a lawyer who knows how to take on oil companies and win.