

Mays v. Chevron Pipe Line Co.

Fall Meeting of the
Offshore Industries
Committee

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Mays v. Chevron Pipe Line Co., 968 F.3d 442 (5th Cir. 2020).

- Mays was working in Louisiana territorial waters when he was killed while servicing a valve on a natural gas platform.
 - Platform part of a system of platforms owned and operated by Chevron in both Louisiana territorial waters and on the OCS.
- Incident caused the shutdown of two Chevron platforms on the OCS.
- Employed by Furmanite.
- Chevron contracted with Furmanite to service platforms.
- Mays' estate, wife, and children sued Chevron.
- Chevron claimed immunity under Louisiana Workers' Compensation Act.
- Estate argued that LHWCA applied.

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- The Fifth Circuit’s analysis turned on the interpretation of a U.S. Supreme Court case:
- *Pacific Operators Offshore, LLP v. Valladolid*, 565 U.S. 207 (2012).
 - Resolved a circuit split over the causation standard required by OCSLA that extends LHWCA coverage to OCS extraction-related injuries, 43 U.S.C. § 1333(b).
 - Supreme Court held that for LHWCA to apply to OCS extraction-related injuries there must be a “substantial nexus between the injury and extractive operations on the shelf.”
- Chevron argued that *Valladolid* applies only to the direct employer.
- Fifth Circuit held that *Valladolid* was silent on this issue.

The test:

“ requires only a link
‘between the injury and
extractive operations on
the shelf.’ It does not
specify which
employer’s OCS
operations are relevant
in a case ”