

Press Coverage | October 5, 2026

Permitting Deal Gives Projects Defense Against Litigation Delays

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[Josh Kaplowitz](#), counsel in Troutman Pepper Locke's [Renewable Energy](#) Industry Group, was quoted in the October 5, 2026, *Bloomberg Law* article, "[Permitting Deal Gives Projects Defense Against Litigation Delays](#)."

Senate negotiators aimed big for permitting assurances "because what this administration has done to offshore wind just lays bare the vulnerability of our federal permitting system," according to Josh Kaplowitz, an attorney at Troutman Pepper Locke.

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However, current protections for unreasonable rulemaking under the Administrative Procedure Act still don't defend against the litigation uncertainty, such as which judges a challenger draws, or if federal regulators adopt a more canny approach to pulling the plug, according to Kaplowitz.

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Kaplowitz said this is a weakness in the current permit certainty language and there needs to be guardrails on invoking national defense to "signal that this can't be your just get out of jail free card."

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