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What Does Latest Ruling on Offshore Permit Mean for US Sector?

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[Josh Kaplowitz](#), counsel in Troutman Pepper Locke's [Environmental + Natural Resources](#) Practice Group, was quoted in the August 24, 2026, *Windpower Monthly* article, "[What Does Latest Ruling on Offshore Permit Mean for US Sector?](#)"

Reliance interests are developer investments made because a project is expected to be, or has been, permitted. In theory the government could reconsider an approval anyway, without a judge's ruling, said Josh Kaplowitz, a lawyer at Troutman Pepper Locke who was previously vice president for offshore wind at the American Clean Power Association (ACP).

In that case, the government would have to "provide credible evidence of a very real, very extremely serious, emergency reason to pull the plug on a project, and the government should be able to demonstrate that it didn't consider this evidence or had no way of knowing about it when it first issued the permits," he said.

"Nothing of the sort has happened here, as courts have found over and over whenever they've taken the time to assess the rationales offered by the government. It's clear that the rationales are just pretext for a personalised dislike of wind energy," he said.

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