UPDATED FOR 2024

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ESG Reporting Frameworks & Regulations

What Applies to Me?

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ESG and climate-related disclosure is becoming a must-do for any business. While corporate reporting has traditionally been voluntary or done at the request of investors, the world is quickly moving towards mandatory disclosure. At the same time, policy is starting to tighten on some of today's biggest ESG issues, from GHG emissions and treatment of employees to biodiversity loss and forced labor in the supply chain.

As these market forces converge, we're experiencing a tidal wave of new frameworks and regulations, especially from the EU. To many, this has felt like an alphabet soup of similar sounding acronyms. What do they all mean? How do they relate to each other? If you're wondering how to make sense of all these changes, you're not alone.

With so many different frameworks and regulations out there, it can be challenging to figure out which apply to you and how you should respond. In this guide, we break down some of the most relevant and influential ESG disclosure frameworks and regulations, explore a handful of industry-specific mandates to keep an eye on, and provide a snapshot of the state of global mandatory climate disclosure.

Covered frameworks and regulations include:

- International Sustainability Standards Board (ISSB) Standards
- US SEC Climate Disclosure Rule
- California SB 253
- California SB 261
- US Federal Supplier Climate Disclosure Rule
- US Uyghur Forced Labor Prevention Act (UFLPA)
- EU Corporate Sustainability Reporting Directive (CSRD)
- EU Regulation on Deforestation-Free Supply Chains
- EU Corporate Sustainability Due Diligence Directive (CSDDD)
- EU Taxonomy
- EU Carbon Border Adjustment Mechanism (CBAM)
- German Supply Chain Due Diligence Act
- Task Force on Climate-Related Financial Disclosures (TCFD)
- Task Force on Nature-Related Financial Disclosures (TNFD)
- CDP (formerly the Carbon Disclosure Project)
- Various industry specific mandates

Keep In Mind

While this guide provides a comprehensive list of frameworks and regulations you'll likely encounter as a business, it is by no means representative of all the initiatives out there. There are many other industry-specific rules, frameworks, and regulations your business could be subject to. This guide is meant to serve as a springboard for your ESG reporting and regulatory compliance strategy. If you'd like to take a deeper dive into all the initiatives that might apply to you, our door is always open.



Reporting Frameworks & Regulations

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
International Sustainability Standards Board (ISSB) Standards S1: Sustainability- Related Financial Information S2: Climate-Related Disclosure	Aims to provide businesses and investors with clarity on corporate sustainability disclosure and create better alignment between sustainability and finance departments. Under the IFRS Foundation, the ISSB creates one global baseline of high-quality	Voluntary, but already heavily influencing mandatory reporting requirements, especially with IOSCO's endorsement	 Can be adopted by jurisdictions of individual nations, making them binding for companies in those areas CDP users (climate-related disclosure standard will be integrated into CDP's environmental reporting platform in 2024) 	June 26, 2023 Disclosure beginning in FY23 (reported 2024)	Climate, biodiversity, water, human capital, human rights, just transition, workforce reskilling	 Scopes 1-3 GHG emissions Mandatory climate scenario analysis & resilience assessment under S2 Sustainability risks & opportunities Impact on planet and economy Activities & relationships across supply chain Governance and risk management processes Climate-related risks & opportunities (including value chain) 	N/A
	the new IFRS Sustainability Disclosure Standards using ISSB due process.	<u>a statement</u> com standard. Over 20 <u>countries</u> are alre	e ISSB announced that near nmitting to advancing the a 0 regulators also issued stat eady set to adopt ISSB-base kico, Singapore, Hong Kong,	doption of its climate-rela ements of support and <u>se</u> ed disclosure rulings, inclu	ated everal	Metrics & targetsNature-related impacts	Limited assurance in FY24 Reasonable assurance in FY26
Disclosure Rules increasing recogniti that investors need consistent, compare and decision-useful information for mak sound investments	Created in response to increasing recognition that investors need more consistent, comparable, and decision-useful information for making sound investments considering climate-	Mandatory	All US public companies Large Accelerated Filers (>\$700M public float) Accelerated Filers (>\$250M, <\$700M	Ruling expected to be finalized in April 2024 Phase-in for disclosure likely to begin in FY24 (reported 2025) for Large Accelerated	Climate Note: Phase-in originally slated for FY23 (reported 2024). Given the delay in finalization, phase-	 integration) Use of carbon offsets Climate goals, transition plan, and scenario analysis (if used/set) Board-level oversight 	Yes Accelerated Filers have extra year
	related risks and opportunities.		public float, \$100M+ annual revenue) Smaller Reporting Company (<\$250M public float, <\$100M annual revenue)	Filers	in is estimated for FY24.		Limited assurance for Scope 3 possible in FY29
California SB 253: Climate Corporate Data Accountability Act	Seeks to advance the shift towards mandatory GHG reporting, bring US companies up to speed with global trends, and demand more rigor from companies both public and private.	Mandatory	 Any public or private US company doing business in CA with over \$1B in annual revenue Impacts over 5,300 companies 	October 7, 2023 Disclosure beginning in FY25 (reported 2026)	Climate	 Scopes 1-3 GHG emissions Companies have an extra year for phase-in of Scope 3 reporting Amended rules include a safe harbor provision for Scope 3 disclosures 	Yes Limited assurance for Scopes 1–2 in FY25 Reasonable assurance in FY29

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
<u>California SB 261:</u> <u>Greenhouse Gases</u> <u>Climate-Related</u> <u>Financial Risks</u>	Aims to enhance transparency, provide investors and consumers with credible climate information, and safeguard stakeholders from losses resulting from climate-related disruptions. Modeled after existing climate disclosure rules from CALSTRS and major financial institutions.	Mandatory	 Any public or private US company doing business in CA with over \$500M in annual revenue Impacts over 10,000 companies 	October 7, 2023 Initial report due January 1, 2026 (for FY25)* *Reports must be submitted biannually thereafter	Climate-related financial risks	 Climate-related financial risks and measures taken to mitigate risks <u>TCFD-aligned</u>, publicly available Risks include operations, supply chains, employee health and safety, capital & financial investments, consumer demand, shareholder value, goods and services, and more 	No* *Submissions will be reviewed by Climate- Related Risk Disclosure Advisory Group. Inadequate or non-public reports will be subject administrative penalties.
<u>US Federal Supplier</u> <u>Climate Disclosure</u> <u>Rule</u>	Seeks to strengthen resilience of Federal supply chain, recognizing that as the world's largest buyer of goods and services, the Federal Government faces significant climate-related financial risk.	Mandatory	Large Federal suppliers (\$50M+ in annual contracts) "Significant" suppliers (>\$7.5M, <\$50M annual contracts) Suppliers with <\$7.5M in annual contracts are exempt	Final ruling expected in late 2024 Reporting to begin 1 year after publication of final rule	Climate	 Large suppliers Scopes 1-2 emissions & relevant categories of Scope 3 (through CDP) Climate-related risks (though CDP) Set science-based targets (through SBTi) Mid-Sized: Scopes 1-2 	No
US <u>Uyghur Forced</u> <u>Labor Prevention Act</u> (UFLPA)	Passed in response to increasing evidence of forced labor and other human rights abuses against Uyghurs and other ethnic groups documented in the Xinjiang region of China. Ensures that goods made with forced labor in the Xinjiang region do not enter the US.	Mandatory	 All companies with supply chains linked to Xinjiang selling goods in the US Especially applicable for companies sourcing goods such as cotton, tomatoes, electronics, textiles, shoes, apparel, hair products, tea, poly-silicon, pepper, beryllium, wind turbines, and calcium carbide 	June 21, 2022	Forced labor, human rights, coercion	 Assumes that any goods even partially sourced from Xinjiang have been made with forced labor and can't be imported unless company can prove otherwise Due diligence on supply chains linked to Xinjiang Documentation of supply chain down to the source 	No* *3rd party audits could help provide evidence that Xinjiang- linked products are forced labor free

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
provision that all disclos Additionally, 8 sector-sp	Created in response to low-quality sustainability reporting under the Non-Financial Reporting Directive (NFRD). Aims to standardize and improve quality of data for investors while supporting the transition to a sustainable economy. Increases both the scope of disclosure and number of companies affected – new requirements have been expanded to nearly 50,000 companies.	ire subject to mate ed by 2 years until	eriality. <u>Read about the changes h</u> June 2026. These sectors include	ere.		 Scopes 1-3 GHG emissions Requires double materiality approach Description of due diligence processes Sustainability targets, goals, and progress Plans to align business model with 1.5°C future Sustainability risks, risk management strategy, and role of board Adverse impacts on society and environment Human rights, social responsibility, and anti- corruption practices 	Yes Limited assurance in FY26 Reasonable assurance in FY28
EU Corporate Sustainability Due Diligence Directive (CSDDD) Some EU countries are already enforcing ESG due diligence requirements, including Germany, France, and Norway, and other EU member states like Belgium, the Netherlands, and Sweden have also proposed new supply chain due diligence laws. The CSDDD will harmonize these laws and ensure the EU operates as a single market.	Aims to enhance the protection of the environment and human rights in the EU and globally and improve the regulatory framework on due diligence. Obliges companies and financial institutions* to identify, prevent, or mitigate environmental and human rights abuses in their own operations and supply chains. *Financial sector only required to conduct due diligence on own operations and supply chains, not clients and investments	Mandatory	EU companies with >500 employees & >€150M global turnover Non-EU companies with > €300M turnover generated in the EU EU & non-EU companies in high-risk sectors: • >250 employees • >€40M global turnover (turnover in EU for non- EU companies) • >€20M is generated in high-risk sectors (textiles, footwear, agriculture, forestry, food & bev, minerals, construction)	Provisional agreement reached on December 14, 2023 Legislation expected to enter into force in Q2 2024 with reporting obligations expected in FY26 for EU companies	Environmental and human rights impacts (forced labor, workplace health & safety, exploitation, GHG emissions, pollution, biodiversity loss, ecosystem degradation)	 Current and potential adverse impacts from operations, subsidiaries, and suppliers Action plan and timeline for addressing risks and mitigating or preventing impacts Establishment of formal grievance mechanisms Integration of due diligence into policies and risk management Implementation of a climate transition plan Due diligence policies, processes, findings, and actions must be disclosed publicly in an annual report 	No* *Given the steep cost of non- compliance and failure to pay fines (up to 5% of annual turnover), 3rd party audits are advised to properly identify and mitigate risks

What's the Deal with Scope 3 Reporting

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Although there's been significant pushback in the US, the world is moving towards full Scope 3 disclosure. The EU's CSRD, the ISSB's S2 standard, and CA's SB 253 all require Scope 3 reporting outright. California's SB 253 even requires Scope 3 reporting for private companies.

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
EU Taxonomy A classification system that applies to companies in scope under the Sustainable Finance Disclosure Regulation (SFDR) and CSRD (overhauls the NFRD)	Aims to support sustainable investment and address greenwashing by increasing clarity on which economic activities are environmentally sustainable. Sustainable economic activities must contribute to at least 1 of 6 environmental objectives listed in the Taxonomy and do no harm to the others.	Mandatory	Organizations under SFDR: EU asset managers, financial advisers, and insurance providers Organizations under NFRD & CSRD: large EU companies, EU SMEs, certain non-EU companies	January 1, 2023 Disclosure beginning in FY22 (reported 2023)	Climate, water security, pollution, circularity, biodiversity	 Companies Percent of turnover, revenue, and capital expenditures aligned with EU Taxonomy Asset managers Contribution to 6 taxonomy objectives Percent of portfolio invested in activities aligned with taxonomy 	N/A
EU Regulation on Deforestation-Free Products (EUDR)	Passed to inspire and accelerate action on climate, recognizing that deforestation and climate are inextricably linked and the EU is responsible for 10% of global deforestation. Bans the sale of deforestation- linked commodities in the EU by enforcing mandatory supply chain due diligence.	Mandatory	International trading bloc—applies to all applicable companies globally Large multinationals SMEs (<250 employees, <\$53M turnover) Applicable industries & commodities: palm oil, cattle, soy, coffee, cocoa, timber and rubber, derived products (beef, furniture, or chocolate)	June 29, 2023 Regulation will start to apply on December 30, 2024 for large multinationals and June 30, 2025 for SMEs	Biodiversity, nature loss, deforestation, indigenous rights	 Verifiable evidence that products were produced on land not subject to deforestation after 12/31/20 Precise geographical information on farms where commodities are grown Provenance of all goods down to the raw material 	No* *The law has strict traceability requirements and audits may be required to prove that products are deforestation- free as part of due diligence process
EU Carbon Border Adjustment Mechanism (CBAM)	Created to ensure that companies operating within the EU and companies that import goods into the EU face similar carbon costs and incentives for reducing emissions. Disclosure of GHG emissions would be used to calculate the carbon border adjustment (tax) and determine the additional cost a company will have to pay to import goods into the EU.	Mandatory	Any company that imports carbon- intensive goods into the EU, regardless of location, origin, or company size Applicable companies & sectors: energy-intensive industries (e.g., steel, cement, aluminum), companies that import goods such as fertilizers, chemicals, and rubber	October 1, 2023 First report due January 31, 2024* *Transitional phase only applies to cement, iron and steel, aluminum, fertilizers, electricity, and hydrogen. Definitive period begins in 2026.	Climate	GHG emissions associated with the product, including its production and transportation <i>Reports are due quarterly</i>	No* *CBAM's requirements for Monitoring Methodology Documentation (MMD) are very robust. It will be difficult to meet requirements without 3rd party verification.

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
German Act on Corporate Due Diligence Obligations in Supply Chains Due diligence obligations are based on the UN Guiding Principles	Passed to promote more responsible supply chain management and protection of human rights in German supply chains. Requires companies to identify, prevent, and address human rights and environmental abuses in their own operations and across operations of direct* suppliers. *Companies must also provide a way for indirect suppliers to flag any human rights violations	Mandatory	 German companies Head office, place of business, or registered office in Germany >3,000 employees Non-German companies Branch or office in Germany >3,000 employees In 2024, the act will extend to companies with head offices or branches in Germany with >1,000 employees 	January 1, 2023	Forced labor, child labor, discrimination, unethical employment, safe working conditions, environmental degradation, minimum wage, unlawful seizure of land	 Establish a risk management system and perform regular risk analysis covering operations and direct suppliers Establish policies around human rights, supplier code and conduct, and approach to due diligence Create preventative measures for potential human rights violations All activities, including identified risks and steps to address them, must be disclosed publicly in an annual report 	No* *Given the steep cost of non- compliance (up to 2% of annual revenue), 3rd party audits are advised to properly identify and mitigate risks
<u>Task Force</u> <u>on Climate-</u> <u>Related Financial</u> <u>Disclosures</u> (TCFD)	Formed to improve and increase reporting of climate-related risks and opportunities. Outlines a set of Key Recommendations to help businesses develop meaningful, consistent disclosures for banks, investors, and other stakeholders.	Voluntary, but included in many country- and state-level climate disclosure regulations	 Recommendations can be adopted by jurisdictions of individual nations, making them binding for public companies in those areas Used to inform the reporting requirements of many other frameworks, such as the ISSB, CSRD, and US SEC climate disclosure rules 	Varies by country if adopted The IFRS foundation will take over monitoring of climate disclosure from the TCFD in early 2024	Climate Structured around 4 themes - Governance, Strategy, Risk Management, and Metrics & Targets	 Scopes 1-3 emissions Board oversight, management's role in mitigating risks Impact of physical and transition risks on strategy and financial planning Process for assessing and managing risks Metrics to manage climate risks 	No

Framework / Regulation	Overview/ Background	Voluntary or Mandatory	Who it Applies to	Effective Date	ESG Topics Covered	Disclosure Requirements	Assurance
Task Force on Nature-Related Financial Disclosures (TNFD) Standardizing Nature-Related Reporting At the 2024 Word Economic Forum, 320 companies and financial institutions announced their intentions to start disclosing nature- related impacts against the TNFD framework as early as FV23.	Created to enable businesses and financial institutions to integrate nature into decision- making and encourage a shift in cash flows away from nature-negative activities. Includes a set of general requirements for nature-related disclosures and 14 recommended disclosures around the 4 key pillars of governance, strategy, risk and impact management, and metrics.	Voluntary, but will likely form the basis of future nature or biodiversity- related legislation	Companies disclosing under ISSB (ISSB <u>will look to</u> TNFD) recommendations in its future work) CDP users (CDP intends to align with TNFD framework in 2024) Companies in scope under CSRD (TNFD framework and ESRSs share many synergies) Any company looking to meet nature-related goals and stay ahead of legislation	Key Recommendations were released in September 2023	Biodiversity, deforestation, ecosystem loss, water security, GHG emissions, pollution, invasive species	 Board oversight of nature-related risks and dependencies Human rights policies and engagement related to local communities Impact of nature-related risks on strategy and financial planning Process for assessing and managing risks Metrics to assess and manage impacts and dependencies Nature-related targets and progress 	No
CDP (formerly the Carbon Disclosure Project)	A global disclosure system created to help investors, businesses, cities, and states manage their environmental impacts. Tightly aligned with today's most recognized reporting frameworks, such as the TCFD, ESRS, and ISSB – the go-to platform for bringing best-in-class frameworks into practice.	Voluntary, but increasingly linked to regulation	Public and private companies receiving CDP disclosure requests from their investor owners Suppliers receiving requests from their buyers Major US federal suppliers covered under the Federal Supplier Disclosure Rule Any company looking to get ahead of the mandatory disclosure curve and align with global frameworks	N/A In 2024, responses to annual questionnaires are due between July and September	Climate, water security and quality, biodiversity, deforestation, plastic pollution	 Disclosure requirements are listed in each of CDP's 3 questionnaires – climate, water security, & forests Responses are ranked on a D-A scoring system 	No* *The CDP questionnaires allow you to indicate whether you've had your GHG data assured and/ or use 3rd party audits, which can improve your score

Did You Know?

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The CDP questionnaires already incorporate international standards like GRI, TCFD, ISSB, and the EU Taxonomy. In 2024, CDP will implement alignment with the ESRSs (part of the EU's CSRD) and the TNFD's recommendations. Disclosing your impacts through CDP allows you to streamline your compliance efforts and align with today's global standards and regulations all in one place.

Are You Aware?

Industry Specific Mandates to Keep an Eye on

Airlines

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Standard: CORSIA Standards for Sustainable Aviation Fuels (SAF)

CORSIA provides globally accepted environmental standards for SAF, including specific methodologies that allow airlines to lower their emissions reduction requirements. CORSIA is currently in its pilot phase, with voluntary participation from 100+ member states (including the USA, Canada, and UK).

Building & Construction

Regulation: US Federal Building Performance Standard

In late 2022, the Biden administration announced a new federal standard that requires 30% of federally owned buildings to achieve net zero Scope 1 emissions by 2030. While many cities and states have established similar standards over the past decade, this is the first-ever federal building standard.

Consumer Goods

Regulations: EU Green Claims Directive, CA SB 54

The EU's Green Claims Directive requires companies to substantiate environmental claims. Although it's still under review, EU lawmakers just approved a new anti-greenwashing law banning generic claims like "climate neutral."

On the product and packaging side, several US states have introduced extender producer responsibility (ERP) laws, such as CA's <u>SB 54</u>, which shifts responsibility to plastic producers and requires a 25% reduction in plastic packaging sales by 2032.

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Electronics, Minerals & Mining

Regulations: US Dodd Frank Act, EU Conflict **Minerals Regulation**

Passed in 2010, section 1502 of the Dodd Frank Act requires all US public companies to disclose whether they use "conflict minerals"-tin, tungsten, tantalum and gold (3TG)-and conduct due diligence on those materials. Similarly, the EU's Conflict Minerals Regulation, which went into effect in 2021, requires that importers of 3TG meet international OECD responsible sourcing standards.

Beauty, Apparel, Chemicals

Regulation: EU REACH Legislation **Regulation:** State PFAS Restrictions

REACH regulation requires companies to identify and manage risks associated with the chemicals used in their products. It applies to all EU companies and any company manufacturing, importing, or selling chemical-based raw materials and finished products in the EU. Several hazardous chemicals were added to the Candidate List in 2023. Overseas. nearly a dozen US states have enacted productspecific restrictions of PFAS chemicals and Maine is banning all PFAS products by 2030.

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Financial Services

Regulation: EU SFDR

Framework: FDIC Principles for Management of **Climate-Related Financial Risks**

The SFDR went into effect on January 1, 2023 and requires that all EU asset managers selling "sustainable investment" products provide information about their investments' ESG risks.

In the US, the Federal Reserve and FDIC finalized principles for managing climate-related financial risks, which applies to banks with \$100B+ in total assets.

Common Corporate Reporting Scenarios

What Applies to Me?



CA SB 253 & SB 261

Mandatory Climate-Related Reporting

Which Countries Have or are Developing Legislation?

Note: Momentum around mandatory climate-related reporting is building quickly, and before the ISSB standards were finalized, TCFD was the framework of choice for nearly all jurisdictions. However, most regulators are now using the ISSB standards as the basis for their climate disclosure legislation (see map key).



Thinking Forward

While there's no denying that the realm of sustainability reporting can feel like an alphabet soup of frameworks, rest assured that standardization is coming. The TCFD framework is already widely embraced by many companies and countries alike and has been a key building block in the development of standards from the US SEC, CSRD, and ISSB. And now with platforms like CDP aligning with and accelerating the adoption of the finalized ISSB standards, ESRSs, and TNFD framework, companies' reporting burden is expected to ease substantially.

On the regulatory front, the EU is quickly bringing the rest of the world up to speed. Both through the international reach of its corporate disclosure frameworks and policies like CBAM, the price of doing business for companies with lower ESG ambitions is rising.

We are truly at a pivotal moment for corporate reporting, and as a business, it's critical to say on top of all these changes. The adoption of frameworks and regulations mentioned above will have a snowball effect, driving more action and accountability around ESG than ever before.

We hope your company capitalizes on this tremendous business opportunity, embracing these frameworks and regulations as a way to increase resilience, reduce risk, and build a more future-proof business model.

Point B Helps Businesses Seamlessly Navigate the ESG Reporting Journey.

Want to go beyond compliance in your climate or ESG reporting? Our team has guided countless brands through the disclosure landscape, helping them meet or exceed investor expectations and identify opportunities for better business management.

