Navigating SEC Climate Regulations: A Practical Guide for Companies

An In-Depth Handbook for Effectively Measuring, Reporting, and Advancing ESG Performance in U.S. Organizations.



Introduction

Deep-Dive

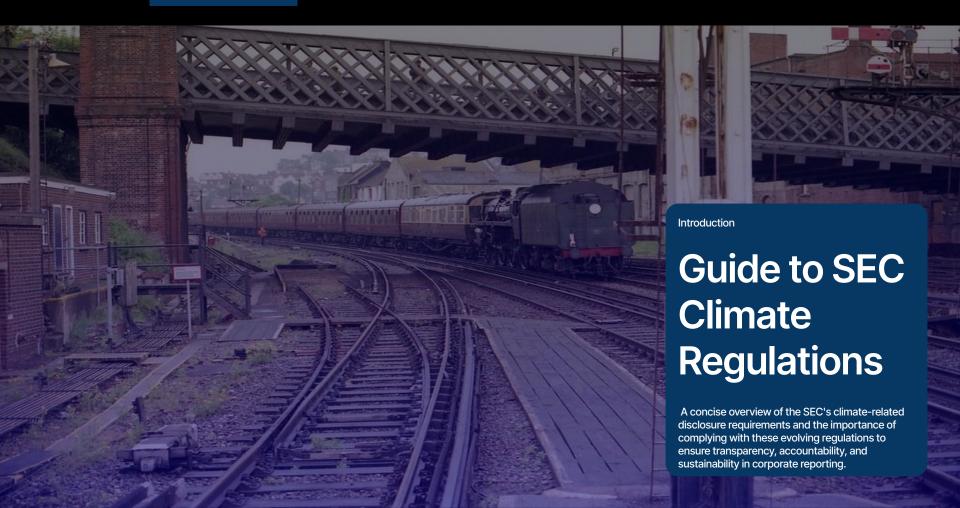
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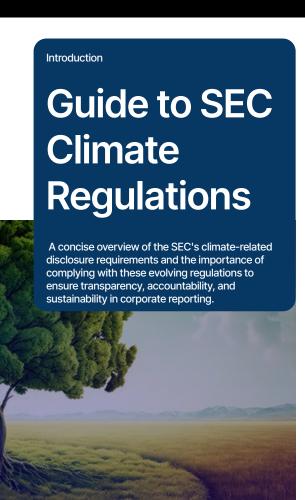
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Purpose of the Handbook

Deep-Dive

The purpose of this handbook is to provide businesses and stakeholders with a clear, comprehensive understanding of the U.S. Securities and Exchange Commission's (SEC) new Climate Disclosure Rules. These rules represent a landmark shift in corporate climate reporting, requiring companies to disclose climate-related risks, governance structures, and greenhouse gas (GHG) emissions. By enhancing transparency and consistency, these rules aim to equip investors with decision-useful information while holding businesses accountable for their climate-related impacts.

For businesses, compliance with the SEC's rules is not just about meeting regulatory requirements but also about demonstrating leadership in climate action, mitigating risks, and building investor trust. This handbook will serve as a practical quide to navigate the rules, understand key timelines, and implement strategies to ensure timely and accurate disclosures.

Background

The SEC's new Climate Disclosure Rules are a response to the growing recognition of climate change as a material financial risk and its increasing importance to investors. Over the past decade, climate-related disclosures have evolved significantly, driven by both investor demand and international regulatory momentum.

Early Efforts (2010): The SEC issued its first interpretive quidance on climate-related risks, encouraging companies to consider the material impact of climate change on their financial performance. However, reporting remained inconsistent and largely voluntary.

- Global Standards Emergence: Frameworks like the Task Force on Climate-Related Financial Disclosures (TCFD) and the Greenhouse Gas Protocol set the stage for global climate reporting by providing clear guidelines for measuring and disclosing climate risks and GHG emissions.
- Rising Investor Expectations: Investors increasingly demand detailed, comparable, and decision-useful information on how companies are addressing climate risks. Climate-related disclosures have become essential for assessing long-term value, resilience, and sustainability performance.
- Final SEC Rule (2024): In March 2024, the SEC adopted its final climate disclosure rules, aligning its requirements with global reporting trends while focusing on U.S.-specific investor needs. The new rules emphasize material climate risks, Scope 1 and 2 GHG emissions, governance oversight, and the financial impact of climate-related events.

By mandating clearer, more consistent reporting, the SEC aims to close the information gap between companies and investors, empowering markets to evaluate climate risks and opportunities effectively.



Who Should Read This?

Deep-Dive

This handbook is designed for a broad audience of professionals and stakeholders directly or indirectly involved in climate-related disclosures, compliance, and business strategy. It is particularly relevant for:

- Public and Private Companies: Organizations subject to SEC reporting requirements and those preparing for voluntary or future mandatory climate reporting.
- ESG Professionals: Individuals responsible for sustainability strategy, reporting, and performance.
- Compliance Officers: Professionals tasked with ensuring adherence to regulatory requirements.
- Chief Financial Officers (CFOs): Leaders overseeing financial disclosures, risk management, and resource allocation.
- Investors and Analysts: Stakeholders seeking consistent and reliable climate-related information to inform decision-making.
- Corporate Boards and Management: Leaders responsible for governance oversight, risk assessment, and strategic planning.

Key Objectives

The key objectives of this handbook are to:

Understand the SEC's Climate Disclosure Rules:

Break down the rules into clear, actionable components, including risk disclosures, GHG emissions reporting, and governance requirements.

Prepare for Implementation and Compliance:

Provide a step-by-step guide to help businesses build the processes, systems, and governance needed to comply with the new regulations.

Highlight Best Practices:

Offer insights and practical examples to ensure businesses not only meet compliance requirements but also leverage climate disclosures as a strategic tool for growth and resilience.

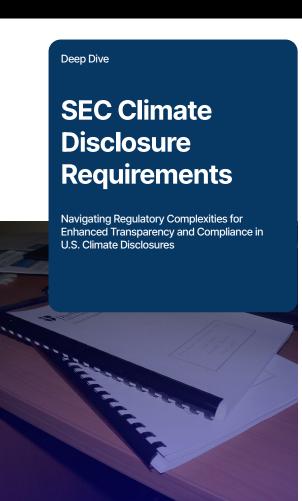
Bridge Knowledge Gaps:

Equip readers with a strong foundation to understand complex climate reporting concepts, regulatory timelines, and global alignment trends.

Empower Decision-Makers:

Help corporate leaders and investors make informed decisions by presenting the broader implications of the SEC's rules on business strategy, operations, and financial performance.





2.1 Overview of the Rules

Deep-Dive

The SEC's Climate Disclosure Rules outline a clear path for companies to disclose climate-related risks, emissions, and governance processes in their annual reports and registration statements.

Key Dates and Milestones:

- March 2022: The SEC proposed its initial climate disclosure rules.
- March 2024: The final rules were adopted after receiving over 24,000 comments.
- **Compliance Timeline:**
 - Large Accelerated Filers (LAFs): Disclosures begin in fiscal year 2025.
 - Accelerated Filers (AFs): Compliance starts in fiscal year 2026.
 - Smaller Reporting Companies (SRCs) and **Emerging Growth Companies (EGCs):** Extended timelines, with GHG disclosures exempted.

The phased approach provides companies with time to build robust processes and systems for compliance while ensuring accountability to investors.

2.2 Climate-Related Risk Disclosures

The rules require companies to disclose material climate-related risks that could impact their business, strategy, and financial performance:

Physical Risks:

Definition: Risks arising from physical impacts of climate change, including acute risks (e.g., hurricanes, floods) and chronic risks (e.g., drought, sea level rise).

Examples:

- Damage to facilities from severe weather events.
- Increased costs due to water scarcity or resource limitations.

Transition Risks:

Definition: Risks associated with transitioning to a low-carbon economy, including regulatory, market, technological, and reputational impacts.

Examples:

- Compliance costs due to carbon pricing or emissions regulations.
- Reduced demand for carbon-intensive products.

Materiality Threshold:

Companies must assess whether climate risks are material using the traditional SEC materiality standard (a substantial likelihood that an investor would consider the information. important).

The disclosures must include the impact of these risks on business strategy, operations, financial planning, and capital allocation.



2.3 Governance and Oversight

The SEC rules emphasize the critical role of governance in addressing climate risks:

1. Board Oversight:

- Companies must disclose the role of the board or board committees in overseeing climate-related risks.
- This includes processes for monitoring progress toward climate targets or goals.

2. Management Role:

- Clear disclosure of management's role in assessing and managing climate-related risks.
- Companies must identify key positions, processes, and reporting lines for climate governance.

3. Integration into ERM:

Companies are encouraged to demonstrate how climate risks are integrated into their broader **Enterprise Risk Management (ERM)** framework.

2.4 GHG Emissions

The rules require disclosure of **Scope 1** (direct emissions) and **Scope 2** (indirect emissions from energy use) GHG emissions:

Materiality and Reporting Timelines:

- **Large Accelerated Filers**: Scope 1 and 2 emissions required by fiscal year 2026.
- Accelerated Filers: Required by fiscal year 2028.
- Smaller filers are exempt.

Exclusion of Scope 3 Emissions:

Unlike the proposed rules, Scope 3 (value chain) emissions are not mandatory due to concerns about data reliability and reporting burdens.

2.5 Targets and Transition Plans

Companies must disclose:

• Climate Targets and Goals:

- Scope, measurement units, and timelines for achieving climate-related goals (e.g., net-zero targets).
- Progress toward these goals, including any material impacts on financial performance.

Carbon Offsets and RECs:

- Companies using carbon offsets or Renewable Energy Credits (RECs) must disclose:
 - The amount and cost of offsets/RECs.
 - Descriptions of the underlying projects and validation methods.



Advantages for Companies and Stakeholders

Deep-Dive

BRSR reporting offers several advantages for companies and stakeholders:

Companies: BRSR reporting enables companies to identify and address ESG risks, enhance operational efficiency, and strengthen brand reputation and market competitiveness. By integrating sustainability into core business strategies, companies can create long-term value and resilience. Investors: BRSR reporting provides investors with valuable insights into a company's ESG performance, risk exposure, and sustainability strategy. ESG data enables investors to make informed investment decisions, assess risk-adjusted returns, and allocate capital to companies with strong sustainability credentials.

Customers: BRSR reporting enhances transparency and accountability, enabling customers to make informed purchasing decisions based on sustainability criteria. Companies that prioritize ESG considerations can attract and retain environmentally and socially conscious consumers, driving market demand for sustainable products and services.

Employees: BRSR reporting fosters employee engagement, loyalty, and pride by demonstrating a company's commitment to ethical business practices, diversity, inclusion, and employee well-being. Employees are more likely to be motivated and productive when they work for socially responsible companies that prioritize people, planet, and profit.

Regulators: BRSR reporting enables regulators to monitor and assess corporate compliance with environmental, social, and governance (ESG) regulations, standards, and guidelines. Enhanced transparency and disclosure facilitate regulatory oversight and enforcement, promoting responsible business conduct and sustainable development.

Impact on Investment Decisions

BRSR reporting can have a significant impact on investment decisions, influencing the allocation of capital, portfolio construction, and risk management strategies. Key factors driving the impact of BRSR reporting on investment decisions include:

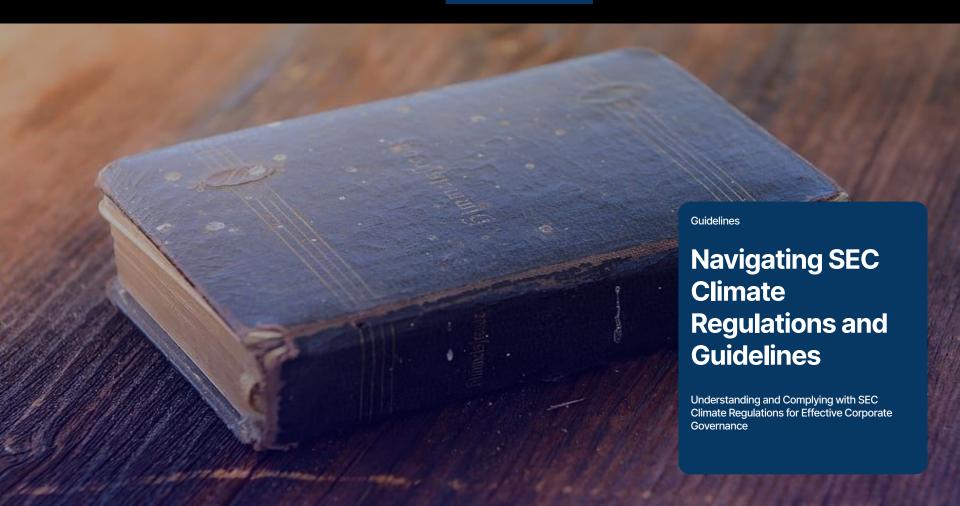
Risk Identification and Management: BRSR reporting enables investors to identify and assess environmental, social, and governance (ESG) risks that may affect investment returns and portfolio performance. By integrating ESG considerations into investment analysis and decision-making processes, investors can enhance risk management and reduce exposure to material risks.

Return on Investment: BRSR reporting provides investors with insights into the financial implications of sustainability initiatives, corporate governance practices, and stakeholder engagement efforts. Companies that demonstrate strong ESG performance may enjoy competitive advantages, higher profitability, and long-term value creation, leading to superior returns on investment.

Sustainable Investing: BRSR reporting drives demand for sustainable investing, attracting responsible investors who prioritize environmental, social, and governance (ESG) criteria in their investment decisions. Sustainable investment funds, ESG-focused asset managers, and socially responsible investors seek companies with strong sustainability credentials, transparent reporting, and demonstrated ESG leadership.

ESG Integration: BRSR reporting facilitates the integration of environmental, social, and governance (ESG) factors into investment analysis, portfolio construction, and asset allocation strategies. By incorporating ESG considerations into investment decision-making processes, investors can enhance portfolio diversification, risk-adjusted returns, and long-term performance.

Stakeholder Engagement: BRSR reporting fosters investor engagement and dialogue on environmental, social, and governance (ESG) issues, enabling investors to influence corporate behavior, promote sustainability best practices, and drive positive change. Active engagement with companies, regulators, and other stakeholders can enhance transparency, accountability, and responsible business conduct.



Guidelines **Navigating SEC** Climate Regulations and **Guidelines** Understanding and Complying with SEC Climate Regulations for Effective Corporate Governance

3.1 SEC vs. Other Frameworks

The SEC's Climate Disclosure Rules align with global climate reporting trends but differ significantly in scope, reporting frequency, and enforcement when compared to other major frameworks:

IFRS Sustainability Standards (ISSB):

- Scope: ISSB requires comprehensive disclosures on climate-related risks and opportunities, with mandatory reporting of Scope 1, 2, and 3 GHG emissions.
- Reporting Frequency: Annual disclosures with an emphasis on industry-specific metrics.
- Enforcement: ISSB standards aim to serve as a global baseline but rely on national regulators for adoption and enforcement
- Example: A multinational manufacturing company reporting under ISSB must disclose emissions across its value chain (Scope 3), whereas under SEC rules, Scope 3 reporting is optional.

EU Corporate Sustainability Reporting Directive (CSRD):

- Scope: CSRD applies to large EU companies and non-EU companies with substantial EU operations. It mandates double materiality disclosures, which include both financial materiality (impact on business) and impact materiality (impact on the environment and society).
- Reporting Frequency: Detailed annual reporting with external assurance.
- Enforcement: Companies are subject to strict EU regulatory oversight, with mandatory compliance and penalties for non-compliance.
- Example: A tech company operating in the EU must disclose its Scope 1, 2, and 3 emissions as well as how its activities impact environmental and social systems, which is beyond the SEC's requirements.

California Climate Laws (SB 253 and SB 261):

- **Scope:** Applies to companies doing business in California with annual revenues exceeding \$500 million (SB 261) or \$1 billion (SB 253). It requires reporting of Scope 1, 2, and 3 emissions and climate-related financial risks.
- Reporting Frequency: Annual reporting, with phased-in compliance deadlines.
- **Enforcement:** Non-compliance can result in significant financial penalties.
- Example: A retailer operating in California must disclose its Scope 3 emissions under state laws, while the same disclosure remains optional under SEC rules.

Alignment with TCFD and GHG Protocol:

The SEC's rules are closely aligned with the Task Force on Climate-Related Financial Disclosures (TCFD) framework and the Greenhouse Gas Protocol.

- Governance and Risk Management: Like TCFD, the SEC requires disclosures on board and management oversight of climate-related risks.
- Emissions Reporting: SEC's Scope 1 and 2 disclosures mirror the GHG Protocol, ensuring consistent methodologies for emissions calculations.
- Key Difference: Unlike TCFD, which strongly recommends Scope 3 disclosures, the SEC has excluded Scope 3 emissions from mandatory reporting.

By understanding the differences between these frameworks, businesses can tailor their reporting strategies to meet SEC requirements while aligning with global standards where relevant. This comparative approach ensures compliance across multiple jurisdictions and improves transparency for stakeholders.



The SEC's Climate Disclosure Rules align with global climate reporting trends but contain notable distinctions:

• IFRS Sustainability Standards (ISSB):

- ISSB focuses on global sustainability disclosures, requiring Scope 1, 2, and 3 emissions reporting.
- Unlike the SEC, ISSB mandates comprehensive disclosures on climate risks, opportunities, and industry-specific metrics.

EU CSRD (Corporate Sustainability Reporting Directive):

- CSRD requires double materiality disclosures: financial and environmental impact materiality.
- It mandates Scope 1, 2, and 3 emissions reporting and third-party assurance.

• California Climate Laws:

- California requires companies doing business in the state to disclose Scope 1, 2, and 3 emissions.
- Unlike the SEC, there is no materiality threshold for disclosures.

Alignment with TCFD and GHG Protocol:

The SEC's rules align closely with the Task Force on Climate-Related Financial Disclosures (TCFD) and the GHG Protocol, particularly for governance, risk, and emissions

3.2 Materiality

SEC's Definition of Materiality: Materiality is defined as information where there is a "substantial likelihood that a reasonable investor would consider it important" when making investment decisions. This definition follows the long-established standard under U.S. securities law and provides a clear threshold for climate-related disclosures.

Impact on Companies of Different Sizes and Industries: Materiality thresholds will impact companies differently depending on their size, industry, and exposure to climate risks:

- Large Companies: Organizations with significant operations or global footprints may face higher expectations to disclose detailed information on physical and transition risks, including Scope 1 and Scope 2 emissions. For example, an oil and gas company's transition risks, such as regulatory pressures or market shifts, would likely meet materiality thresholds.
- Small and Medium-Sized Companies: While still
 accountable for material risks, smaller companies may
 find fewer disclosures are material due to the scale and
 scope of their operations. For instance, a regional retailer
 with limited emissions and climate exposure may
 disclose minimal information.



Practical Examples of Material vs. Non-Material Disclosures:

- Material Disclosure: A manufacturing company with significant energy-intensive operations may disclose the financial impact of carbon pricing regulations, as it could substantially alter its operating costs and margins.
- Non-Material Disclosure: A service-based company with low energy consumption and no significant exposure to physical climate risks might not need to report detailed transition risk impacts if they are immaterial to investors.

By focusing on materiality, the SEC ensures that climate disclosures are tailored, meaningful, and relevant to investors, avoiding unnecessary reporting burdens while addressing significant climate-related financial risks.

SEC's Definition of Materiality:

Materiality is defined as information where there is a "substantial likelihood that a reasonable investor would consider it important" when making investment decisions.

Relevance for Investors:

Materiality ensures disclosures focus on climate risks and impacts significant to a company's financial performance, operations, and value.

3.3 Safe Harbor and Assurance

Safe Harbor Protections:

The SEC provides safe harbor for forward-looking statements, such as transition plans, scenario analyses, and climate targets, protecting companies from liability when disclosures are made in good faith.

Assurance Requirements:

- Limited Assurance: Required for Scope 1 and 2 emissions for large filers starting in 2029.
- **Reasonable Assurance**: Phased in for large filers by **2033**.

3.4 Timelines and Compliance Phases

The SEC has structured its climate disclosure compliance phases to ensure companies of different sizes have sufficient time to implement reporting processes, build governance structures, and validate climate-related data.



Filer Type	General Disclosures	Scope 1 & Scope 2 Emissions	Limited Assurance	Reasonable Assurance
Large Accelerated Filers (LAFs)	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2029	Fiscal Year 2033
Accelerated Filers (AFs)	Fiscal Year 2026	Fiscal Year 2028	Fiscal Year 2031	Not Required
Smaller Reporting Companies (SRCs) & Emerging Growth Companies (EGCs)	Extended Timeline (Optional)	Exempt	Exempt	Exempt

Key Notes:

- **General Disclosures:** Companies begin disclosing governance, strategy, risk management, and financial impacts of climate-related risks.
- Scope 1 & Scope 2 Emissions: Companies must report direct (Scope 1) and indirect energy-related (Scope 2) emissions
- Assurance Requirements:
 - Limited Assurance: Independent validation of emissions begins for LAFs and AFs after their reporting phases.
 - Reasonable Assurance: A stricter assurance requirement applicable only to LAFs by 2033.

This phased timeline provides flexibility while maintaining accountability, giving companies time to adapt and integrate climate reporting into their broader enterprise strategies.

Large Accelerated Filers (LAFs):

- Fiscal year 2025: General disclosures begin.
- Fiscal year 2026: Scope 1 and 2 emissions reporting.
- Fiscal year 2029: Limited assurance for emissions.

Accelerated Filers (AFs):

- Fiscal year 2026: General disclosures begin.
- Fiscal year 2028: Scope 1 and 2 emissions reporting.
- Fiscal year 2031: Limited assurance for emissions.

Smaller Reporting Companies (SRCs) and Emerging Growth Companies (EGCs):

 Extended timelines apply, and Scope 1 and 2 emissions reporting is exempt.

By structuring compliance phases, the SEC allows companies time to establish data systems, governance processes, and assurance mechanisms for accurate climate disclosures.



Practical Implementation Guide

4.1 Steps for Compliance

To comply with the SEC's Climate Disclosure Rules, companies should take the following steps:

1. Establishing Governance Structures and Responsibilities:

- Define roles and responsibilities for climate governance, including board committees, executive teams, and sustainability leaders.
- Ensure oversight of climate-related risks is integrated into existing governance frameworks and enterprise risk management (ERM) systems.

2. Building Robust Climate Data Management Systems:

- Implement systems to measure, track, and report climate-related data, including greenhouse gas (GHG) emissions.
- Establish processes to collect and validate data from internal and external sources.

3. Aligning Financial Reporting Processes with Disclosure Requirements:

- Integrate climate-related financial impacts, expenditures, and risks into existing financial reporting processes.
- Collaborate with finance teams to ensure accuracy, transparency, and audit readiness.

4.2 Key Data Requirements

The SEC's rules require companies to focus on:

Collecting and Reporting GHG Emissions Data:

- Measure Scope 1 (direct) and Scope 2 (indirect energy) emissions using the GHG Protocol methodology.
- Ensure data quality, completeness, and transparency to meet reporting requirements.

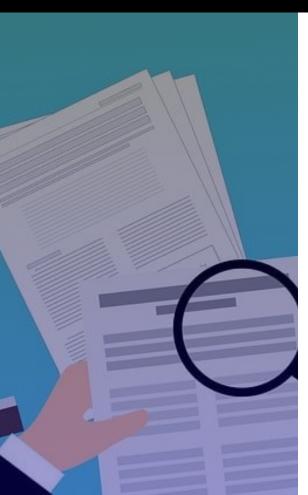
Tracking Climate-Related Expenditures and Financial Statement Impacts:

- Identify costs incurred due to severe weather events, adaptation measures, and transition activities.
- Report capitalized costs, losses, and expenditures related to climate-related risks.

4.3 Integrating with Existing ESG Processes

Companies can streamline compliance by leveraging existing voluntary disclosures and frameworks:

- CDP (Carbon Disclosure Project): Data reported to CDP can serve as a foundation for SEC disclosures.
- ISSB and TCFD: Aligning reporting with global standards like ISSB and TCFD ensures consistency and reduces duplication of effort.
- GHG Protocol: Use established methodologies for emissions measurement to meet SEC requirements.



4.4 Ensuring Audit Readiness

To be fully prepared for audits of climate-related disclosures, companies should:

Prepare for Assurance of Climate Disclosures:

- Establish internal and external audit processes to validate climate data and disclosures before submission.
- Implement regular data integrity checks, ensuring the information presented in reports is accurate and complete.

Ensure Alignment with Attestation Standards:

- Follow industry-recognized assurance standards, such as the International Auditing and Assurance Standards Board (IAASB), for climate-related disclosures.
- Coordinate with external auditors to ensure that the disclosure framework adheres to the highest standards of credibility and reliability.

4.5 Tools and Resources

To facilitate compliance and streamline reporting, organizations should leverage the following tools:

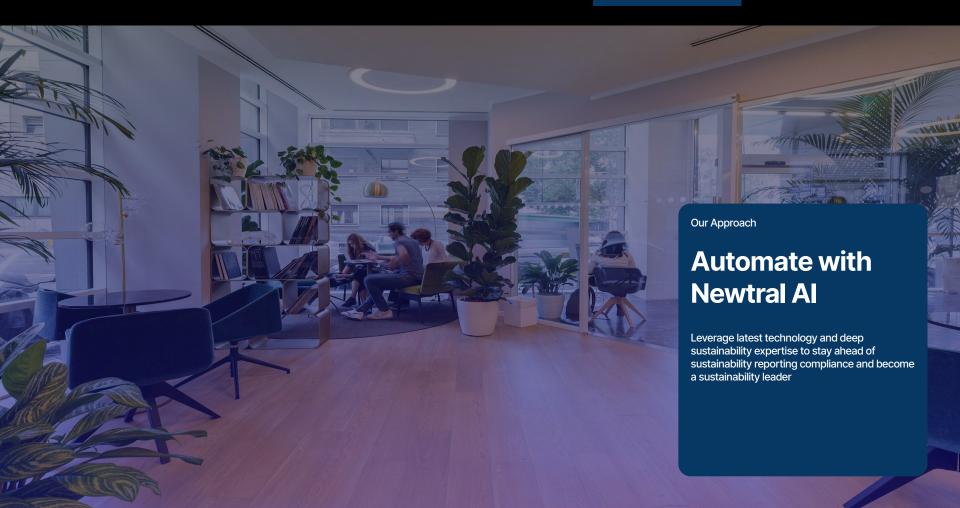
Technologies and Frameworks for Climate Disclosure Tracking:

 Adopt climate data management software that supports emissions tracking, sustainability reporting, and integration with financial systems.

- Use frameworks such as the GHG Protocol, TCFD, ISSB, and others to guide disclosures and ensure alignment with global standards.
- Incorporate real-time data analytics tools to track progress toward climate goals and evaluate the impact of climate risks on financial performance.

Conclusion

- Summary of Key Takeaways: The importance of complying with SEC's climate disclosure rules cannot be overstated. Companies must establish governance structures, build robust climate data management systems, align financial reporting processes, and ensure audit readiness. Leveraging existing ESG processes and frameworks can simplify implementation, while the right tools and technologies will support ongoing compliance efforts.
- Future of Climate Disclosures: As regulatory frameworks continue to evolve, legal challenges and implications related to climate disclosures will likely grow. Companies must stay informed about the changing landscape of climate regulations, anticipate potential compliance challenges, and continuously adapt their reporting practices.
- How SEC's Rules Align with Global ESG Trends: The SEC's climate disclosure rules are in line with broader global ESG trends, reflecting an increasing demand for transparency, accountability, and action on climate-related issues. By adhering to these rules, companies not only fulfill regulatory obligations but also position themselves as leaders in sustainability, meeting stakeholder expectations and contributing to the global effort to combat climate change.



Our Approach

Automate with Newtral Al

Leverage latest technology and deep sustainability expertise to stay ahead of sustainability reporting compliance and become a sustainability leader



At Newtral, we understand the challenges businesses face in navigating the complex landscape of sustainability reporting and ESG integration. That's why we've developed a cutting-edge, Al-powered sustainability platform that streamlines your entire sustainability workflow, ensuring compliance, transparency, and value creation for all stakeholders.

Key Features and Benefits:

Automated Sustainability Workflow:

- Our Al-driven platform automates data collection, analysis, and reporting, saving time and resources
- Seamless integration with existing systems for efficient data management
- Ensures accuracy and consistency in sustainability reporting

Comprehensive Concierge Services:

- Dedicated sustainability experts to guide you through every step of your sustainability journey
- Tailored strategies and actionable insights based on your unique business needs
- Continuous support and expertise to help you achieve your sustainability goals

ESG Supply Chain Innovation:

- Advanced tools to assess and manage ESG risks and opportunities within your supply chain
- Collaborate with suppliers to improve sustainability performance and transparency
- Gain a competitive edge by demonstrating responsible supply chain practices

Scope 3 Emissions Management:

- Accurately measure and report your Scope 3 emissions with our Al-powered platform
- Identify hotspots and implement targeted reduction strategies
- Demonstrate leadership in addressing indirect emissions and climate change

Regulatory Compliance and Transparency:

- Stay ahead of evolving sustainability regulations and disclosure requirements
- Communicate your sustainability performance effectively to investors, customers, and other stakeholders
- Build trust and credibility through transparent and reliable sustainability reporting

Take the first step towards a more sustainable future with Newtral. Our Al-powered platform and expert concierge services provide the tools and guidance you need to integrate sustainability seamlessly into your business operations. Contact us today to schedule a demo and discover how Newtral can help you create lasting value for your stakeholders while contributing to a greener, more resilient world.

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Newtral Al Platform- Enterprise ESG Platform for Corporates and Supply Chain

We help organizations automate their ESG metric measurements, tracking and reporting across company as well as their supply chain. Our platform solves for all corporate sustainability reporting and carbon accounting needs, visit <u>newtral.io</u> for more information.

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