

## For What It's Earth

Global ESG Headlines from Step toe

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### Litigation

On May 30, plaintiff, a purchaser of a Delta flight, filed a putative class action against Delta in the Central District of California on behalf of herself and other consumers. The crux of plaintiff's complaint concerns Delta's statement that it is "the world's first carbon-neutral airline." According to the lawsuit, Delta's representation that it is carbon-neutral is false and misleading because it hinges on Delta's participation in the voluntary carbon offset market. The [case](#) is *Mayanna Berrin v. Delta Airlines Inc.*, No. 2:23-cv-04150 (C.D. Cal. May 30, 2023).



### Regulation

The European Commission has [issued](#) the final version of the Horizontal Guidelines, which includes new antitrust guidance on sustainability collaborations among competitors. While sustainability agreements are not de facto exempted from the antitrust laws, the Guidelines creates safe harbors for agreements regarding sustainability standards, internal corporate conduct, databases on suppliers' sustainability efforts, and industry-wide awareness campaigns. Additional provisions address jointly developing greener technology, agreements to share green infrastructure, and agreements on joint purchasing to reduce environmental footprints. The new Guidelines will go into effect July 1, 2023. View our prior coverage [here](#).



### Legislation

On June 20, environment ministers of EU countries [reached](#) an agreement on a proposal for a nature restoration law. The law has sparked fierce political debate and was only backed after the European Commission agreed to propose EU financial support if measures are needed. The proposal stipulates that EU countries will need to improve the condition of at least 30% of habitats in terrestrial, coastal, freshwater, and marine ecosystems that are currently not in good condition. This goal is set to be achieved by the year 2030.



### Investments

The US Department of Energy [announced](#) more than \$192 million in new funding for recycling batteries from consumer products. The announcement comes amidst reports that the demand for electric vehicles and energy storage will increase demand for lithium ten-fold by 2030. The timing also coincides with an announcement by the Mineral Security Partnership – a group of 12 countries plus the EU – that it has identified a shortlist of 15 projects to develop by year end to produce raw materials needed for green technologies.



### Statement

This month, on a visit to the Lucy Evans Baylands Nature Interpretive Center and Preserve in Palo Alto, Northern California, US President Joe Biden [announced](#) plans to release a new National Climate Resilience Framework.

***"Throughout our history, we're the only nation in the world that has come out of every crisis we've entered stronger than we went into it.***

***We're doing it again here on the climate crisis."***

US President Joe Biden, speaking at the Lucy Evans Baylands Nature Interpretive Center and Preserve, California, June 19, 2023