

California Climate Disclosure Laws: CARB Posts Preliminary List of Potential Reporting Entities and Stakeholder Survey

Posted in: California Climate Disclosure Laws

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On September 24, 2025, the California Air Resources Board (CARB) released an Excel file containing a **provisional list of entities** that may be required to report under the state's landmark corporate climate disclosure laws. At its August 21 workshop, CARB had previewed that it would circulate such a list in the coming weeks.

Importantly, CARB emphasizes that companies subject to the laws will be responsible for compliance even if not included on this initial list. To help validate the information in the preliminary list of entities, CARB is seeking stakeholder feedback through a **short survey**, which CARB encourages companies that believe they may be subject to the laws, or may qualify for an exemption, to complete. Completion of the survey is voluntary.

As a reminder, SB-253 requires public and private U.S. companies that “do business” in California with total annual revenue in the prior fiscal year **exceeding \$1 billion** to annually report on Scopes 1 (direct) and 2 (indirect from purchased energy) GHG emissions (including limited assurance over those metrics) **beginning in 2026** (CARB has proposed a **June 30, 2026** reporting deadline) covering fiscal year 2025 information and on Scope 3 (value chain) emissions **beginning in 2027** covering fiscal year 2026 information, regardless of materiality. SB-261 requires public and private U.S. companies (other than insurance companies) that “do business” in California with total annual revenue in the prior fiscal year **exceeding \$500 million** to post a climate-related financial risk report to their website by **January 1, 2026**, with biennial updates thereafter (i.e., once every two years).

According to the latest rulemaking timeline, CARB anticipates releasing a set of draft implementing regulations by mid-October, which will trigger a 45-day public comment period. A public board hearing has tentatively been scheduled for December 11-12 to adopt a final set of regulations.

Provisional In-Scope Entity List

For each potential reporting entity, the Excel document displays the entity name, entity number, entity type, jurisdiction and whether it is subject to SB-261 (climate-related financial risk disclosure) only or to both SB-261 and SB-253 (GHG emissions disclosure). Over 4,100 entities are listed, though many are duplicates.

CARB has prepared this preliminary list of in-scope entities based on the statutory requirements of being U.S.-based, meeting the annual revenue threshold of \$500 million or more and “doing business in California,” assessed using the following draft scoping criteria described at the August 21 workshop:

- **Revenue.** CARB has proposed that “revenue” be defined as “the total global amount of money or sales a company receives from its business activities, such as selling products or providing services.” This definition does not deduct operating costs or other business expenses, and is consistent with metrics used by major data tracking and reporting industries, such as Dunn & Bradstreet, Standard & Poor’s and Data Axle.
- **“Doing Business in California.”** CARB has proposed using existing databases of U.S.-based companies to establish “doing business in California,” such as the California Secretary of State (SoS) Business Entity database, which is publicly available and lists any entity with a designated agent for service of process in California.

To develop this preliminary list, CARB matched California SoS registered business data with a proprietary dataset. CARB notes it relied on the SoS data as a master-list of entities doing business in California, as it is publicly available. **However, the SoS dataset used in the staff’s analysis includes only active filings through March 2022 and may be missing companies.** Due to a lack of a universal unique ID to match entities across datasets, the staff used a partial match of company name fields between the datasets. The preliminary list does not reflect potential exemptions discussed at the August 21 workshop (e.g., non-profits, government entities, companies whose only business in California is the presence of teleworking employees).

CARB states emphatically that “[e]ach potentially-regulated entity remains responsible for compliance with statutory requirements, regardless of whether it was included in staff’s preliminary list or outreach.”

For more details on CARB’s methodology and analysis for developing this preliminary list, please refer to the August 21 workshop [slides](#) (see, in particular, slides 12-19). A video of the workshop is also available [here](#).

Stakeholder Survey

CARB is soliciting voluntary feedback regarding its preliminary list of potential reporting entities, and welcoming additional business information to help further establish whether entities are subject to the SB-253/261 reporting programs. Responses to the survey are voluntary, and are intended to help provide entities an early opportunity to evaluate whether they are potentially subject to the reporting programs, as well as to help improve CARB’s data accuracy. CARB welcomes responses to any of the following questions:

1. What is the full legal name of your company as filed on federal or state tax forms, including suffixes (e.g., Inc., LLC)?
2. Is your company on CARB’s preliminary list of reporting/covered entities?
3. Based on CARB staff concepts of (1) U.S.-Based, (2) Revenue, and (3) Doing Business in California presented in the August 21 workshop, do you believe your company should be included on the preliminary list of reporting/covered entities?
4. To improve the accuracy of CARB’s preliminary list of reporting/covered entities, please provide your company’s federal EIN number.
5. Will a parent company be reporting on behalf of your company?
6. Is your company or parent company already doing emissions or climate-related financial risk disclosures? These disclosures could be for mandatory or voluntary reporting programs.
7. Are there other companies that you think should be on the preliminary list of reporting/covered entities?
8. Please provide a company contact that CARB can follow up with.

Additional Resources

For additional information and resources, see CARB's [California Climate Disclosure Laws Landing Page](#).

Litigation Status Update

Federal litigation challenging both SB-253 and SB-261 continues to proceed in the U.S. District Court for the Central District of California and the Ninth Circuit Court of Appeals.

In February, the district court ruled in favor of the state on the challengers' Supremacy Clause and extraterritoriality claims, leaving only the First Amendment claim (whether the laws' disclosure requirements impermissibly compel speech in violation of the First Amendment), which the court allowed to proceed to discovery.

On August 13, the court denied a motion for preliminary injunction filed by a coalition of business groups seeking to block implementation and enforcement of the laws on First Amendment grounds during the pendency of the litigation. The business groups subsequently filed a notice of appeal of the district court's denial of their motion for preliminary injunction with the Ninth Circuit, and also filed a motion with the district court to block the laws pending the Ninth Circuit's review, which the district court denied.

On September 15, the business groups asked the Ninth Circuit to enter its own injunction pending appeal, arguing they now face "imminent, irreparable harm" given the laws' rapidly approaching compliance deadlines, and requesting a ruling by November 3, which would allow sufficient time to seek Supreme Court review if necessary. The appellate court's decision will determine whether the laws remain in effect while the underlying First Amendment challenge proceeds through the courts.

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