Building on the foundation of the CFTC’s seminal report on managing climate risks, the NYDFS becomes the first US regulator to set forth climate-related expectations for financial firms under its supervision.

On October 29, 2020, the New York State Department of Financial Services (“NYDFS”) issued a Climate Risk Industry Guidance letter outlining the agency’s expectations for New York-regulated financial institutions integrating climate-related financial risks into their governance frameworks, risk management processes, and business strategies. The NYDFS issued similar guidance last month to New York-regulated insurers as the agency continues advancing a strategy for integrating climate-related risks into its supervisory mandate.

NYDFS efforts reflect evolving US regulatory landscape on climate-related financial risks

Until recently, climate risk has received significantly more interest from financial institutions and regulators outside the US. Last year, the NYDFS became the first US financial regulator to join the Network of Central Banks and Supervisors for Greening the Financial System (“NGFS”), an international group of central banks and regulatory agencies developing plans to manage financial risks posed by climate change. More recently, the NYDFS hired its first Director of Sustainability and Climate Initiatives to engage the financial industry on climate-related financial risks and foster public-private partnerships.

NYDFS operationalizes CFTC’s first-of-its-kind report on managing climate risk in the US financial system

The NYDFS letter comes on the heels of a report on managing climate risk in the US financial system published in September 2020 by the Climate-Related Market Risk Subcommittee of the Commodity Futures Trading Commission (CFTC). The report called for strengthening regulators’ capabilities, expertise, and data analytics to better monitor, analyze, and quantify risks. Additionally, the report authors found that existing legislation already provides US financial regulators with “wide-ranging and flexible authorities that could be used to start addressing financial climate-related risk now.”

While the CFTC provided 53 recommendations in its first-of-a-kind report, the NYDFS with its industry letter becomes the first US financial regulator to call directly for financial institutions under its supervision to start taking climate risks into their risk and governance considerations. In a press release accompanying the letter, NYDFS Superintendent Linda Lacewell said that managing the risk posed by climate change “is critical for the safety and soundness of the financial services industry.”

Given these recent developments, corporate boards and senior management should continue efforts to improve and integrate their climate risk management capabilities as well as encourage innovation and raise awareness at their firms in response to increasing regulatory interest in the US and globally.

What does the NYDFS letter mean for financial institutions?

The NYDFS supervises and regulates the activities of nearly 1,500 financial institutions, ranging from large banks, insurers, agencies of foreign banking organizations, credit unions, money transmitters, and virtual currency firms. Given the range of financial institutions
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Under its supervision, the NYDFS recognizes that not all of these organizations “have the same level of resources to manage these risks.” Accordingly, the NYDFS encourages each organization to “take a proportionate approach that reflects its exposure to the financial risks from climate change and the nature, scale, and complexity of its business.” As a result, NYDFS has outlined its expectations for “regulated organizations” (e.g., banks) and “regulated non-depositories” (e.g., money transmitters and virtual currency firms).

**NYDFS expectations for all regulated organizations**:
- Start integrating the financial risks from climate change into governance frameworks, risk management processes, and business strategies;
- Designate a board member, a committee of the board (or an equivalent function), as well as a senior management function, as accountable for the organization’s assessment and management of the financial risks from climate change;
- Conduct an enterprise-wide risk assessment to evaluate climate change and its impacts on risk factors, such as credit risk, market risk, liquidity risk, operational risk, reputational risk, and strategy risk;
- Start developing their approach to climate-related financial risk disclosure and consider engaging with the Task Force for Climate-related Financial Disclosures framework and other established initiatives.

**NYDFS expectations for all regulated non-depositories**:
- Conduct a risk assessment of the physical and transition risks of climate change, whether directly impacting them, or indirectly due to the disruptive consequences of climate change in the communities they serve and on their customers, such as business disruptions, out-migrations, loss of income and higher default rates, supply chain disruptions, and changes in investor and consumer sentiments, and start developing strategic plans, including an outline of such risks, the impact on their balance sheets, and steps to be taken to mitigate such risks.

**What are the longer-term considerations for how this will impact the financial industry?**

The ongoing COVID-19 pandemic has demonstrated that “preparation is key in addressing systemic risks” and that “by the time a crisis occurs, it is simply too late.” It is important that financial organizations, if they have not already begun, begin to plan for managing the financial risks from climate change, and the impact on their businesses as the frequency and intensity of extreme weather events continue to increase and affect the US financial system and the broader economy.

The NYDFS understands that an effective approach for managing such a complex and challenging issue will require a better understanding of the transmission channels of climate-related risks, access to better climate data and analysis, developing climate-related scenarios and methodologies, and developing greater industry expertise.

**How should financial firms prepare themselves for what’s next?**

In addition to continuing to monitor the US and global regulatory agendas, financial firms should consider immediate and tangible steps toward managing climate risk, including:
- Establishing clear governance and risk ownership, including board oversight, senior management responsibilities, and staff-level engagement.
- Incorporating climate risk into the enterprise risk management framework (e.g., risk taxonomies, training, and quantitative approaches).
- Conducting risk assessments of physical and transition risk impact and current climate risk mitigation and adaptation strategies, activities, and reporting, including the role of internal audit and external assurance to enhance the quality and reliability of external disclosures.
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Closing

The NYDFS and other financial regulators understand that each financial institution is unique and will be affected by climate risks in various ways depending on its size, complexity, geographic distribution, etc. Therefore, there isn’t a one size fits all approach for individual firms in addressing the complexity and challenging issues that climate changes pose. As a result, it will be important for each institution to take an approach that is in line with the “nature, scale, and complexity of its business” and reflects its exposure to climate-related financial risks.

Deloitte has been at the forefront of engaging with regulators and financial services firms on these important matters, including helping leaders think through innovative ways to strengthen data analysis and effectively manage complex risks like those from climate risks.

Evolution of US Financial Regulators on Climate-Related Financial Risks

Recent announcements (March 2019 – October 2020)

| March 2019 | SF Fed publishes economic letter on “Climate Change and the Federal Reserve.” |
| July 2019 | CFTC establishes Climate-Related Market Risk Subcommittee. |
| October 2019 | SF Fed publishes papers on strategies to address climate risk in low- and moderate-income communities. |
| January 2020 | SEC Commissioner Allison Herren Lee issues public statement on “Modernizing Regulation S-K: Ignoring the Elephant in the Room.” |
| May 2020 | SEC’s Investor Advisory Committee approved a policy document related to ESG disclosure. |
| | CFTC’s Climate-Related Market Risk Subcommittee requests comment on identifying and examining climate-related financial and market risks. |
| September 2020 | NYDFS announces that the agency expects New York Insurers to begin integrating consideration of climate-related risks into their governance frameworks, risk management processes, and business strategies. |
| | CFTC’s Climate-Related Market Risk Subcommittee publishes report on the impacts of climate risk to US financial markets. |
| March 2020 | NY Fed Executive Vice President Kevin Stiroh speaks on “Climate Change and Risk Management in Bank Supervision.” |
| | SF Fed launches virtual seminar series on Climate Economics. |
| October 2020 | NYDFS Superintendent Linda Lacewell announces the agency’s expanded efforts to ensure financial services industry manages financial risks from climate change. |
| | FRB New York Executive Vice President Kevin Stiroh speaks on the “The Basel Committee’s Initiatives on Climate-Related Financial Risks” at the International Institute of Finance’s Annual Meeting. |
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## Endnotes


3. NYDFS, “During climate week, DFS becomes first U.S. state banking regulator to join leading international coalition of bank supervisors dedicated to addressing climate change,” assessed on October 29, 2020.


6. Ibid.

7. Ibid.


11. Ibid.

12. Ibid.


14. Regulated Non-Depositories includes New York regulated non-depositories (other than New York regulated mortgage bankers, mortgage servicers, and limited purpose trust companies), including New York regulated money transmitters, licensed lenders, sales finance companies, premium finance agencies, and virtual currency companies (collectively, the “Regulated Non-Depositories”).


16. Ibid.


18. Ibid.
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