

Editor's Note

Corporate social responsibility, or CSR, in the United States has its roots in the sustainability movement that began in the early 1960s when environmentalists first raised concerns about the use of chemical pesticides by the general public and large corporations. As time passed, CSR became more international in scope, and public pressure on businesses began to build for them to address negative corporate externalities and operate in a humane, ethical, and transparent way. Today, CSR is still sometimes criticized as being a voluntary action of businesses often undertaken for marketing purposes; however, astute business leaders have recognized CSR to be “[a] business strategy to make the ultimate goals of corporations more achievable as well as more transparent, demonstrate responsibility towards communities and the environment and take the interests of groups such as employees and consumers into account when making long-term business decisions.”¹

In 2019, the Business Law Section of the American Bar Association published *The Lawyer's Corporate Social Responsibility Deskbook: Practical Guidance for Corporate Counsel and Law Firms* with the goal of providing readers with a comprehensive introduction to the key topic relating to understanding and practicing CSR.² The *Deskbook* was prepared by experienced counselors who have been proactively involved with their clients on CSR and risk management projects and has become an invaluable first resource for attorneys and other professionals interested in cutting-edge guidance on establishing and maintaining CSR programs. However, we realized that there would be a need and demand for expanded coverage of the topics introduced in the *Deskbook*, and the Section has responded by commissioning an integrated series of practical CSR guides that will provide corporate counsel and law firm attorneys with the tools they need to effectively guide their clients on addressing and satisfying emerging legal

1. Mia Mahmudur Rahim, *Legal Regulation of Corporate Social Responsibility: A Meta-Regulation Approach of Law for Raising CSR in a Weak Economy* 13, 22 (2013) (citing Amiram Gill, *Corporate Governance as Social Responsibility: A Research Agenda* 26 *BERKELEY J. OF INT'L L.* 452 (2008)).

2. See *The Lawyer's Corporate Social Responsibility Deskbook: Practical Guidance for Corporate Counsel and Law Firms* (Alan S. Gutterman et al. eds., 2019).

and voluntary standards relating to CSR. Key features and benefits of the series include practitioner's insights into relevant laws and voluntary standards, compliance programs, reporting requirements, and training programs; checklists, questionnaires, and other practice tools; and a bibliography of resources that readers can use to develop and maintain their own CSR library.

This guide from Travis Miller, who was one of the co-editors of the *Deskbook* and the author of the chapter in that publication about the evolution of CSR, addresses supply chain management, which has arguably become the most pressing CSR-related risk management area for businesses of all sizes around the world. After tracing the evolution of CSR, Travis noted in the *Deskbook*: "... through advocacy and policy positioning, supply chain transparency initiatives aimed at combating societal ills were born and placed upon the manufacturer, with an expectation that they would assess and eradicate non-desirable activities on a global scale." Now, companies that manage supply chains and/or operate within them must cope with behavioral regulations and mandatory disclosure requirements imposed by multiple jurisdictions, each with their policy priorities dictated by their local stakeholders. Not only does this increase the stakes from a compliance perspective, but it also provides fertile ground for criticism and continually increasing scrutiny by a wide diversity of stakeholders who believe that corporate responsibility extends beyond the pursuit of profit.

In this guide, Travis introduces us to the emerging regulatory regimes targeted at product stewardship (e.g., RoHS, REACH, conflict minerals) and the regulation of supply chain disclosures (e.g., Modern Slavery Act, FTC Green Marketing Guide, California Transparency in Supply Chains Act), all of which require corporations to perform increased due diligence. His practical advice, based on experience gained from years of consultations with companies operating all around the world, will support adaptation to a future of regulatory-mandated CSR and supply chain transparency. Travis dissects and succinctly describes the regulatory thicket and provides us with useful tools to quickly build effective compliance programs that address regulatory requirements and collect the data necessary for companies to compose their cases for recognition as good corporate citizens in their communications with stakeholders.

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