

Support SB 2842: No Eminent Domain for CO₂ Pipelines

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Q: What is the purpose of this bill?

A: The purpose is to ban eminent domain in Illinois for CO₂ pipeline permits: to protect landowner property rights, to support farmland productivity, and to improve the safety of CO₂ pipeline routes through negotiation.

Q: But didn't the 2024 SAFE CCS Act set a threshold for voluntary easement agreements before granting eminent domain for the remaining parcels?

A: No, the 75% threshold only applies to assembling pore space for carbon dioxide storage sites. The bill does not set limits on the use of eminent domain for CO₂ pipelines. This is unequal treatment and unfair.

Q: Why not just leave the determination of eminent domain for CO₂ pipelines to the Illinois Commerce Commission (ICC)?

A: The ICC does not have a voluntary easement threshold for CO₂ pipelines. Non-consenting landowners along a CO₂ pipeline route feel compelled to officially intervene in the ICC proceedings, which is extremely burdensome—in both time and money—and can cost as much as \$150,000 or more.

Q: How would eliminating eminent domain for CO₂ pipeline companies create a fairer deal for landowners?

A: The use of eminent domain for a CO₂ pipeline creates an adversarial relationship between landowners and private CO₂ pipeline companies, who threaten landowners with its use if they do not agree to a voluntary easement. This gives the companies an unfair advantage in negotiations. Prohibiting the use of eminent domain would:

- A. Protect landowner property rights. Landowners should have the right to say no to a hazardous waste pipeline that does not benefit their families, livelihoods, and land OR to negotiate more favorable terms and routing.
- B. Support farmland productivity. Published research studies document sustained yield losses over a pipeline right-of-way. Farmers should have the ability to reject a private CO₂ pipeline OR to negotiate a route that would minimize impacts to fields, drainage tiles, and buildings.
- C. Improve CO₂ pipeline safety. Neither the U.S. Government nor the State of Illinois imposes setbacks for CO₂ pipelines, even though these pipelines transport a toxic asphyxiant and are dangerous. Eliminating the option of eminent domain could force the private CO₂ pipeline companies to consider safe routing in order to obtain voluntary right-of-way easements from landowners.

Q: Doesn't the construction and operation of CO₂ pipelines bring jobs to Illinois?

A: It is a violation of property rights to forcibly take someone's land to create a temporary job for someone else. Family farms and homes exist for their livelihoods, not to provide job sites and profits for private CO₂ pipeline companies. CO₂ pipeline projects create few permanent jobs, and companies do not guarantee any Illinois workers will be hired.

Q: Is there a difference between a CO₂ pipeline and oil and gas pipelines?

A: Yes. CO₂ pipelines transport a hazardous waste, not oil, gas, or any other product that can be used to generate energy. Using eminent domain for a CO₂ pipeline places people and livestock within two miles of either side in grave danger if the pipeline leaks or ruptures.

Q: What are the positions of the Illinois Farm Bureau and the Illinois Soybean Growers Association?

A: The Illinois Farm Bureau has adopted a policy that supports the elimination of eminent domain for CO₂ pipelines, and the Illinois Soybean Association supports that position.

Citizens Against Heartland Greenwashing Projects (CAHGP)

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For more information visit NoIllinoisCO2Pipelines.org