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1999-2002 Volvo Electronic Throttle Module

Pressure Increases on Volvo to Pay to Replace Faulty Throttles

Air quality officials press for a warranty extension. The firm also faces a class-action suit.

By Myron Levin
 Times Staff Writer

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Defective throttles in 1999-2001 Volvos have been failing at unusually high rates, causing cars to stall, raising air emissions and sticking owners with costly repairs.

State and federal air quality officials are pressing Volvo for a commitment to spend millions of dollars to replace the devices as they fail, and to reimburse owners who have paid for the work themselves.

The faulty components are electronic throttle modules, or ETMs, which Volvo began

substituting for traditional mechanical throttles in its '99 models. Although designed for a useful life of 100,000 miles, an estimated 21% to 94% will fail within that time, depending on vehicle model, according to reports by Volvo to the California Air Resources Board and the U.S. Environmental Protection Agency.

The state air board, backed by the EPA, wants Volvo to extend the warranty on the throttles to 10 years and unlimited miles and reimburse owners who have already paid as much as \$1,000 to replace them. The basic warranty on the cars is four years or 50,000 miles, though in California emissions-related components by law are covered for seven years or 70,000 miles.

The faulty throttles also are the subject of a class-action suit charging that Volvo violated California law by issuing a so-called secret warranty to assist some but not all owners with defective throttles.

Volvo executives refused to be interviewed or to answer written questions but said in a prepared statement that it "is working with the California Air Resources Board relative to the ETM, and we are fully cooperating with them."

Although pressure on Volvo is coming mainly from California, any warranty extensions and reimbursements would apply nationwide. Volvo would not say how many vehicles are involved. But based on U.S. sales of affected vehicles, including C70, S70, V70, S60 and S80 Series Volvos, the number appears to be 200,000 to 300,000 cars.

"We're in the gray area between consumer protection and emissions control," said John Urkov, a branch chief with the Air Resources Board. Volvo is "going to have to spend some

money to do what we feel is the minimum necessary to get out of this situation."

At a meeting with company representatives Feb. 23, air board officials rejected arguments that Volvo had already taken all reasonable steps and was not responsible past the warranty period. The automaker is expected to respond early next month to the request for a warranty extension, Urkov said.

For the Swedish carmaker, a **Ford Motor Co.** unit known for advanced safety and technological sophistication, the problem has been an embarrassing and expensive headache.

"ETM issues are currently a major source of warranty cost and customer dissatisfaction in the U.S. market," said a June 29, 2004, internal document produced in the lawsuit against Volvo.

Customers have complained of dangerous stalling episodes on major thoroughfares and have accused Volvo representatives of trying to shift blame by telling owners they had bought bad gasoline or did not follow the recommended maintenance schedule.

"I feel the representatives of Volvo misled me," said Christine Noriega of Mar Vista, who said she recently paid about \$200 to service the throttle in her Volvo sedan after a dealer inaccurately told her that her warranty had expired.

The June 2004 Volvo document said that in just over a year, the company had paid more than \$13.5 million to replace or clean 27,200 throttles and to buy back cars as a goodwill gesture.

In many cases, however, owners have paid for the work because their warranties had expired

or they did not know the throttle was covered.

The class-action suit concerns a July 2001 Volvo notice to dealers agreeing to pay for one ETM cleaning per customer. California is one of a handful of states that bar secret warranties, in which vehicle makers extend service to owners who squawk the loudest but fail to tell all owners.

The lawsuit, filed in Sacramento County Superior Court by San Mateo, Calif., law firm Fazio & Micheletti, alleges that the Volvo notice amounted to a secret warranty.

Dina Micheletti, a partner in the firm, said the action was suspect for another reason too: Volvo has acknowledged in internal documents that cleaning a faulty throttle to remove oily deposits that caused the malfunction can keep the device going only for a while. Thus, the procedure can get Volvo beyond the warranty period, with owners getting stuck later with the higher cost of throttle replacement.

Volvo said it "is actively defending the case and believes it has complied with the applicable California law."

When Volvo introduced it, the ETM was considered an advance over the mechanical throttles used in virtually all other cars and trucks. Like the mechanical version, it's a valve that flaps open and shut to control airflow to the fuel system and, ultimately, the output of power from the engine.

But in at least the first three model years, the electronic throttles were easily fouled by carbon deposits, causing rough idle, increased emissions and frequently loss of power and stalls. Micheletti said warranty claims data produced in the lawsuit reflected close to 1,000 reports of stalling from California Volvo owners alone.

Volvo documents show that the problem reared its head in the factory even before '99 models hit the showroom.

According to a Volvo memo in March 2000, "we have had problems with faulty throttles in the car plants ... since SOP 98w20" — a reference to the start of production in the 20th week of 1998.

Volvo scrapped the original design and switched suppliers early in the '02 model year, a change that is believed to have reduced the problem.

Urkov said throttle malfunctions caused cars to pollute more than they otherwise would. But he said the Air Resources Board had not ordered a recall, because it couldn't prove that the extra emissions exceeded legal standards.

As an alternative, he said, the agency is pushing the extended warranty as "the proper corrective action." Urkov said Volvo's stance had been that once the warranty expired, maintaining the ETM should be the owner's responsibility.

That argument "basically fell on deaf ears," he said, because Volvo had certified the device as maintenance-free when the emissions system was approved. "We want Volvo to ... step up to the plate," Urkov said.

Through Internet chat rooms and e-mail networks, Volvo owners have been calling for action too.

One unhappy customer, Danuta Wilson of Bethesda, Md., was traveling with her family in January when their 2000 Volvo V70 XC station wagon suddenly stalled and would not start.

The vehicle had only 42,000 miles on it but was more than 4 years old, so Wilson had to spend nearly \$1,000 to replace the ETM. She said a Volvo dealer told her it was her fault — that "if it's happening at 42,000 miles, that must mean the car has been abused or you've been putting wrong gas in the car."

Wilson said she was thankful, however, that the car had died in daylight on a major street, rather than at night on a freeway, when the result could have been much worse.

She wrote to Volvo to request a recall on safety grounds. In reply, Volvo suggested that experiences like hers were rare.

"Sometimes individual vehicles experience isolated situations," the Volvo letter said.

According to Wilson, Volvo "was lying that this was an unusual occurrence, whereas it is not."

Noriega last month took her Volvo to a dealer after it began stalling. She said she was told that her warranty had expired and was charged for an ETM cleaning.

Unknown to Noriega, whose 2001 Volvo S60 sedan had about 58,000 miles on it, the warranty was still in effect because of California's longer coverage on emissions-related parts.

When a warning light went on a few days later, Noriega returned, and in a confusing turn of events, the dealer this time replaced the ETM without charge — though she said the \$200 she had spent on the cleaning was not refunded.

The dealer had been "very vocal in confirming or reiterating to me that I'm not under warranty," Noriega said. "I got information that was ... not necessarily true."