



U.S. Department of Justice
Consumer Protection Branch
Civil Division
Washington, DC 20530

MAR 20 2013

March 13, 2013

[REDACTED]
Westbrook, CT [REDACTED]

Re: Concern Regarding Keyless Start-Up in Toyota Avalon

Dear [REDACTED]

This is in response to your correspondence to the Attorney General, dated January 15, 2013, which was forwarded to our Office for consideration and response. I regret the delayed response. In your letter, you state that you have serious safety concerns surrounding the keyless start-up technology in your father's Toyota Avalon.

We are very sorry to hear about your loss. I can see you have also contacted the Consumer Product Safety Commission, among others, and understand from your letter that you are trying to advocate for change to prevent problems for other consumers.

Since your inquiry raises a matter that may involve automotive safety, I am forwarding a copy to the National Highway Traffic Safety Administration (NHTSA), at the address shown below, for consideration. NHTSA is the federal agency that investigates reports of safety related defects and substantial equipment failures and enforces laws requiring recalls and remedies in appropriate circumstances. While NHTSA tries to help every consumer, it cannot investigate each complaint. Before a formal investigation or recall is ordered by NHTSA, there must be evidence that the reported problem poses a safety risk and is a problem common to a group of vehicles or items of equipment.

You may also wish to contact the Connecticut Department of Consumer Protection, with the information below.

Department of Consumer Protection
Product Safety
165 Capitol Avenue, Hartford, CT 06106
Phone: 860-713-6100
Toll-Free: 800-842-2649

I have enclosed some information sheets from NHTSA, the Connecticut Department of Consumer Protection, and the Connecticut Attorney General's Office for you. If you have access to the internet, you may find it useful to visit the websites of these agencies.

Since Congress is the body which considers new laws and changes in existing laws, if you have not yet done so, you may also wish to address your concerns to your representatives in the Senate and the House of Representatives.

We appreciate your bringing this matter to our attention. Thank you for writing.

Sincerely yours,

Lisa Mitzelfeld
Consumer Protection Branch
Civil Division

By: Christopher Paparo
Consumer Affairs Specialist

Enclosures

cc:

✓ U.S. Department of Transportation
National Highway Traffic Safety Administration
Office of Defects Investigation (NVS-210)
1200 New Jersey Avenue SE
Washington, DC 20590
Toll free DOT Safety Hotline: 1-888-327-4236 (DASH 2 DOT)
TTY: 1-800-424-9153
www.nhtsa.dot.gov

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MAR 20 2013

[REDACTED]
Westbrook, CT [REDACTED]

CM/CS

January 15, 2013

To All Concerned Parties:

This is a cover letter to a story that follows about my father's tragic accidental death as a result of a common remote starting device for all makes of automobiles. I hope that this story catches the eyes of one of the many individuals and organizations I am sending this too. There is such an easy fix to preventing this from ever occurring again. I hope that is the result of my efforts.

Sincerely,

[REDACTED]

CC:U.S. Attorney General Eric Holder
AARP
U.S. Consumer Product Safety Commission
Toyota Motor Corporation
Toyota Motor Sales USA, Inc.

CM - 14032

On June 28, 2012, I lost my 86 year old father and best friend to a horrible but very easily avoided accident. I am hoping that my sharing this with you will awaken the eyes of our senior drivers, their care providers and families and perhaps the automobile industry.

My Dad (and Mom, who was alive at the time) purchased in 2006 their new Toyota Avalon. They had a previous 3 year old Avalon and just loved the car. The new 2006 Avalon differed in one significant aspect that was an enigma to my parents' generation (as well as to me) – a keyless remote starting system. The trick was just to have the "bobble" in your pocket and you could get into the car, put your foot on the brake and press a button and the car would start up. When you got to your destination – put the car in park and press the remote button and the engine shuts off. It was virtually impossible to get a new car without this keyless system.

Sounds easy doesn't it – but as it turned out – too easy. After my Mom passed away, after the first year of their new Avalon, my Dad's hearing declined, but he willingly got good hearing aids because there was no way he was going to miss any part of a Yankee game. He continued to love his Avalon, which knowing how my Mom loved the car, gave him a sense of comfort driving it and taking meticulously care of it.

Fast forward to June, 2012, the Yankees are doing well, and my Dad had come through a few close calls health wise and was back riding his bicycle around the neighborhood every day. June 28th was a pretty ordinary day, except the Yankees had a big game that night. My Dad decided to go grocery shopping early so he could relax before the game at 7:30 p.m. He opened his attached garage door to his lovely home in Boynton Beach Florida, and went to Publix down the street. He returned, pulled into the garage, took the groceries out and into the house and closed the garage door. I called later that afternoon, and he sounded a little exhausted but said he had just woke up from a nap and was set for the game later. As was our routine, I would call him after the first inning.

7:30 went by – the first inning had been played – no call, so I called him. No answer - went to his voice message. I tried several times, with the same result. My father had never gone out on a night the Yankee's were playing and we had talked earlier about the game. After panicking, making calls to his next door neighbor, he was found sitting in his recliner with the remote and the TV going, dead from Carbon Monoxide poisoning. The smell of this poisonous gas was overwhelming throughout the house because after my Dad took the groceries out of the car into the house and closed the garage door, he had never shut off the remote starter button. From the morning all through the day, carbon monoxide slowly seeped into the kitchen where the garage was attached, through the kitchen and into the den where my Dad was in his recliner awaiting the start of the Yankee game.

Had there just been an automatic shut off system that kicked in after a preset time when there was no weight in the driver's seat, much like the airbags in the passenger side, then this senseless, tragedy would have never occurred.

So my hope is that this message finds its way into even one family where there is a senior driver with a keyless entry system, to prevent the tragedy that my family experienced on June 28, 2012, that haunts me every day of my life.

Westbrook, CT



U.S. Attorney General Eric Holder
950 Pennsylvania Avenue NW
Washington, D.C. 20530-001

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