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MAY 23 2017

[REDACTED]
Cedarhurst, New York [REDACTED]
[REDACTED]

May 10, 2017

National Highway Traffic Safety Administration

1200 New Jersey Avenue S.E.

Washington, D.C. 20590

Attention: Administrator

My Name is [REDACTED] and I am the owner of a 2009 Toyota Corolla VIN#JTDBL40E19J [REDACTED] NHTSA RECALL NO. 16V-340 & 17V-006 due to the faulty front passenger airbag. I called Toyota to find out when the repair would be made to my car and they informed me that the projected date of this repair would be December of 2017 or longer since this date was only a projection and they could not actually give me a definite date. When I received the notice a portion of it indicated that if I believed the dealer or Toyota has failed to or is unable to remedy the defect within a reasonable time I should submit a complaint to you. I believe the above is true about how Toyota is going about fixing this problem with my car. I see the situation as unreasonable. I no longer have the use of the passenger front seat of my car until the airbag is fixed. Contained in the recall was Toyota's instructions not to let anyone sit in the front passenger seat. When Toyota informed me that I would not have the use of the front passenger seat for eight months I felt compelled to inform you of the situation because this is unreasonable and unrealistic on the part of Toyota. Toyota has failed or is unable to remedy the defect in a fair and reasonable time.

I called Toyota several times and all I have gotten is the run around. I spoke to Mr. Castro in Toyota's customer service department and was given the case number [REDACTED]. After hearing from me that I could not possibly wait eight months to have my car repaired Mr. Castro informed me that my local Toyota dealer which is Advantage Toyota of Valley Stream, New York would provide me with a loaner car from their fleet until my car was repaired. Upon speaking to Advantage Toyota they informed me that this would not be possible. I called Mr. Castro back and he told me that he would then put the paper work in for Toyota to rent me a car from a local car rental company such as Enterprise Rent A Car. He later informed this request that he made on my behalf was approved by Toyota and all I had to do

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was call my local Toyota dealer and they would implement what Toyota approved. Mr. . Castro told me there would be no problem getting this accomplished. He repeated to me several times that it was all approved. " just go to the dealer there will be no problem". I once again called Advantage Toyota and spoke to Mr. Kirtman and informed him that all he had to do was process this request since Toyota had pre-approved it. After several days Mr. Kirtman informed me that Toyota was not going to honor what they had told me they would. They refused to rent me a vehicle. At this point I am being forced to drive the Corolla without the use of the front passenger seat.

I was informed by Mr. Kirtman that the reason the request was ultimately turned down was because the type of program whereby Toyota provides loaner or rental vehicles for people whose cars have been recalled due to faulty airbags exists only in places such as Florida where the weather is humid and hot which puts the airbags at a greater risk of the propellant in the airbags disintegrating thus making the airbags more dangerous. Toyota has broken the country into zones according to weather conditions present in those zones. Cars that are owned in the higher risk zones get notified first as well as having their cars repaired first. At this point I have to wait till the zone my car is registered in is due for the repair of the airbag.

This answer was not satisfactory to me so I once again called Toyota and at this point my case was turned over to Christina who works in the same department as Mr. Castro. She informed me that the real reason my request was actually turned down was because the district manager of Toyota in the area I live turned down the request although Toyota approved it. She said that the district manager can override what Toyota has approved and I could not go any further with my request because the district manager had the final say so in the matter. I spoke to her and explained to her that this situation is impossible and she informed me that as long as the car is drivable and Toyota has informed me not to use the front passenger seat they have met their responsibility in keeping me safe. I informed her that now my car is worthless if I wanted to sell it because it is against government regulations to resell a car with this type of recall. Not only do I not have full use of my car the car is now worthless.

After doing some research I found out that Toyota does provide loaner vehicles to customers whose cars are taking an inordinate amount of time to fix. According to Toyota spokeswoman Cindy Sherman "If a customer does not feel safe they cannot seat someone in the front passenger seat. We have the option of loaning a car until they can get the repair part". Toyota also stated on their own website they are prepared to provide alternative vehicles to customers whose cars have not been repaired. To quote the website "To minimize risk, Toyota recommends that no passenger sit in the front seat. "if this recommendation is not feasible for the customer's personal or business needs, alternative transportation may be made available. Toyota also states on this same website "At this time, Toyota is reserving alternative transportation options to specifically support those customers with vehicles currently under recall. Toyota at this point not only has deprived me of a fully functioning car they also have not provided me a reasonable time frame as to when the car will be repaired as well as not providing what they promised in way of a rental or loaner vehicle.

When reviewing what Toyota is doing to me as well as what they are doing to their other customers with the same problem I have it must be taken into consideration that Toyota knowingly and with for

thought kept continuing to put these faulty airbags in their new vehicles at the same time older models of the very same cars were being recalled since they contained the exact same airbags as the newer versions of these cars. As a matter of fact up into early 2017 Toyota was still installing these faulty airbags in the Lexus GX460. In order to side step this problem Toyota claimed that these cars would not be recalled for at least three years so it was perfectly legal to sell them. Toyota rationalized this decision by convincing themselves that within three years a solution would be found to remedy the problem. In reality the government had to force Toyota to divulge in advance the vehicles they were selling that had these faulty airbags and would eventually be recalled. Imagine purchasing a car with a pre-existing condition that is literally waiting to explode. Ironically, Toyota after knowing all the facts about these airbags still installed them in their vehicles. Thus adding to and perpetuating a problem that at this point Toyota cannot address in a timely fashion.

As to the validity of the way Toyota is recalling these cars this is a questionable process. It is not a proven fact that humidity and temperature are the sole factors that determine the degradation of the propellant in these airbags. There is really no way of telling which airbags are faulty. There are numerous cases where people were either severely injured or killed when these airbags deployed and expelled deadly shrapnel. These incidences happened in the Northern part of the United States where according to the information in the recall these vehicles are not at high risk for them to be dangerous since the conditions of prolonged exposure to high humidity and fluctuating high temperatures are not present in this particular type of geographic location. I quote again Toyota's website on this recall. "For vehicles equipped with Takata inflators that may be recalled in the future, NHTSA and Takata are prioritizing future recalls based on when inflators are likely to pose an unreasonable risk to safety, considering time, temperature and environmental moisture, which depend on a vehicle's location. My question is, "What is a reasonable risk? In my book no risk is reasonable especially when it comes to people's lives and safety. These recalls are actually a calculated risk when categorizing cars according to the climate and temperature where these cars are owned. This is actually a numbers game whereby, Toyota, Takata and the NHTSA are hoping that the odds are in their favor as the recall stands instead of realizing there are exceptions to these parameters that have been established where airbags malfunctioned regardless of the environmental conditions.

The NHTSA should be wary when working with Takata to determine the parameters whereby cars are recalled. Takata in the past manipulated and falsified results when testing the safety of the airbags they were producing. They performed the testing of these airbags in particular environmental conditions where they got the results they wanted in order to gather data that would deem the airbags that they were producing safe. The conditions these airbags were tested in did not simulate real world conditions therefore Takata's testing results were invalid. They already knew that by using the propellant ammonium nitrate they were taking a chance because it is known to be unstable and would degrade faster plus the fact that no chemical drying agent was used in the manufacturing of the airbags. This was all done to produce a cheaper airbag in order to cater to the requests of the car companies to do so. It is less than reassuring to know that the recall parameters rely on information from the very company who produced these airbags and now is in charge of deeming which airbags would be at risk. An outside non biased testing facility would be more reassuring as to the validity of the results. Takata obviously

has a financial interest as far as when these airbags have to be replaced. By letting Takata have input into the staging of these recalls they can do it according to the funds they have on hand thus leaving large time periods where they do not have to replace airbags all at once. They can base their estimates according to their finances in order to accommodate Takata's financial needs not the person's needs who own these vehicles. These airbags are not being replaced in a timely fashion because Takata does not have the resources to do so. Takata knowingly produced a dangerous product and in some cases a deadly product and now the consumer is the one paying for their greed and dishonesty. They are replacing these airbags in cars in Florida so apparently they have produced a new product that is safer than those under recall. Or perhaps they are not because prior to this present recall the solution that Takata offered was to replace the airbags in the recalled vehicle with the same ones that were already in them and just keep replacing them over and over as the airbag aged and became dangerous. Cars have been recalled several times for the same faulty airbag as the shelf life of the airbag expired and there was no better one to replace it or remedy this problem. These cars are then only temporarily safe until the cycle begins again. I need some intervention on your part to either encourage Toyota to loan me a vehicle till they can repair mine since they are not doing it in a timely fashion or what I would really prefer is that they ship to my local Toyota dealer the part to repair my car since these parts are available in Florida where Toyota has begun replacing the faulty airbags. I cannot wait till December 2017 to have this repair made. This is an unfair and an unreasonable amount of time for this repair to take place. I spoke to a representative once again at Toyota making the request to ship my local dealer the replacement airbag who told me she would forward the message to Christina who is in charge of my case. I have yet to hear back from her at that was one week ago.

Your prompt attention to this matter would be appreciated. I thank you in advance for addressing this problem. I look forward to hearing from you in regard to this matter. I need to contact Toyota regarding this problem you can reach them at either of the following numbers 1 888-270-9371 or 1-800 331-4331 and refer to my case number which is [REDACTED] the VIN number of my car is JTDBL40E19J[REDACTED] 2009 Toyota Corolla. If you need to contact the dealership in regard to this matter you can call Advantage Toyota of Valley Stream, New York at 516-887-8600 and speak to Mr. Kirtman. I am also sending a detailed letter of complaint to Toyota and informing them that I have sent you as well a letter with the details of my case.

Thank you,

[REDACTED]

The following is a copy of the last part of the letter I wrote to Toyota to keep them up to date as to what is going on with my case. I wanted you to have this information in addition to the enclosed letter so you can be fully up to date as to my communications with Toyota and to get a clear picture as to what the situation is about and how Toyota is still giving me the run around every turn of the way with excuse after excuse. The following is a word for word excerpt of the complaint letter that I sent to Toyota. I sent them a lengthy letter similar to the one I sent you outlining what has transpired. Much of what I wrote in the letter to Toyota is similar to the information contained in the enclosed letter. I just wanted to keep you fully updated as the present situation with Toyota.

I am just adding the following information to the letter because after completing it I now received a phone from your representative Mr. Castro and I wanted to keep you up to date as to what is going on. This last conversation took place Friday May 12, 2017 with Mr. Castro. informed me that he is now looking into situation again because he told me he does not understand what happened after he spoke to me concerning all the matters outlined in this letter. I had left several messages for him all along the way apprising him as to what was happening but I never received a call back from him because your company claimed he was unavailable and handed the case over to Christina. I explicitly told him in the messages I left for him that Toyota was not renting me a vehicle. He now claims that had no idea that what he had promised me in the way of a rental vehicle had not taken place. The only reason he is looking into my case again is because I placed my last phone call to Toyota regarding this matter last Friday May 5, 2017 to register another complaint. I was told that Christina would call be back within 24 hours or the next closest business day which was Monday May 8, 2017. I never received the phone call that was promised until Friday May 12, 2017 and this was from Mr. Castro. I hope by the time this letter reaches you that this problem has been resolved and if it has not the National Highway and Safety Administration has already been notified by me as to what has gone on between me and your company.

Calderhurst, NY

CERTIFIED MAIL



7016 2710 0000 3065 9814

National Highway and
1200 New Jersey Av
Washington, D.C 205

ATTN: Administrator

Company Name

To: W41- 306

Mailstop: 4 West

Department: NEC, NOA, NIA

Phone:

Purchase Order **PRIORITY**
(ItemVarName4)

Route



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