

September 19, 2023

Sent Via Certified Mail

Return Receipt

US Department of Transportation
National Highway Traffic Safety Administration
Office of Defect Investigations
1200 New Jersey Avenue Southeast
West Building
Washington, D.C. 20590

**RE: PETITION FOR DEFECT INVESTIGATION—Toyota Hybrid Brake Failures
Causing Crashes & Injury**

Dear Administrator Carlson and National Highway Traffic Safety Administration Staff,

My name is Spenser Williams. I am writing regarding the premature failure of service brake components in our family's 2012 Toyota Prius V. This issue has been previously addressed, and partially investigated by the NHTSA and Office of Defect Investigations under Investigation # DP 19-004. This problem has been inadequately addressed by Toyota.

On September 18, 2023, following the immediate, unexpected, and total loss of braking power in our 2012 Prius V and the appearance of numerous dashboard warning lights we brought the car to an independent mechanic for assessment. The mechanic found no apparent damage and reported the trouble code C1391 stored in our car's computer.

Toyota has acknowledged the premature failure of service brake components in its hybrid vehicles, and cites a recorded trouble code C1391 as standing for a warrantied Remove and Replace of brake components under Warranty Extension Program and Service Bulletin ZJB. See attached service bulletin documents.

After speaking with the service department at Emerson Toyota in Auburn, Maine, we were informed that our 2012 Prius V was not eligible for a warrantied Remove and Replace of the failed components because the applicable Warranty Extension Program expired in October 2022. I believe this is illegitimate, and that once Toyota has acknowledged premature failure of these

components there should be no expiration date of their responsibility for correcting the problems. Many of the affected model-year cars are still on the road with the potential for immediate braking failure at any moment. This presents a serious safety hazard to the drivers and passengers in the affected vehicles, in nearby vehicles, and to pedestrians in the area.

The NHTSA Office of Defect Investigations has looked into this problem before. The prior petitioner, [REDACTED] former President of Capistrano Toyota in San Juan Capistrano, California, petitioned the ODI in a September 19, 2019 letter and later withdrew his petition with ODI in August 2020.

As is stated on the attached ODI Resume, [REDACTED] withdrawal-of-petition was the stated reason for ODI denying the petition and closing further analysis on this problem. [REDACTED] [REDACTED] original September 19, 2019 letter to the NHTSA Office of Defect Investigations cites 60 crashes with relevant VOQs from safecar.gov. His letter is attached.

I believe this petition was closed prematurely by the Office of Defect Investigations. I am petitioning the Office to reopen the investigation, and in the interim require Toyota to extend the applicable Warranty Extension Program ZJB, including reimbursement for private repairs, indefinitely.

I have filed a complaint with NHTSA of these same events, it is recorded under ODI # 11545356.

Thank you for your consideration of this urgent safety matter.

Sincerely,

[REDACTED]

Spenser Williams

[REDACTED]



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

ODI RESUME



Investigation: DP 19-004
Prompted by:
Date Opened: 09/30/2019
Investigator: Kareem Habib
Approver: Stephen Ridella
Subject: Brake Actuator Valve Wear
Date Closed: 01/21/2021
Reviewer: Jeff Quandt

MANUFACTURER & PRODUCT INFORMATION

Manufacturer: Toyota Motor Corporation
Products: Certain MY 2010-2015 Toyota Prius/Camry HV/Avalon HV
Population: 1,120,507

Problem Description: The brake actuator may experience solenoid valve wear, which may result in a progressive series of symptoms from excessive brake booster pump duty cycle to escalating levels of failsafe operation.

FAILURE REPORT SUMMARY

	ODI	Manufacturer	Total
Complaints:	0	0	0
Crashes/Fires:	0	0	0
Injury Incidents:	0	0	0
Fatality Incidents:	0	0	0

ACTION / SUMMARY INFORMATION

Action: This defect petition has been denied.

Summary:

On September 19, 2019, the Office of Defects Investigation (ODI) received a defect petition from [REDACTED] requesting that the Agency investigate and recall certain Toyota Prius, Prius PHV, Camry Hybrid and Avalon Hybrid vehicles for a brake actuator valve wear condition covered under Toyota Customer Support Programs ZJB and ZKK (subject CSP's). In support of his request, the petitioner identified 117 NHTSA complaints allegedly related to the subject CSP condition, including 60 reporting crashes.

On September 30, 2019, ODI opened Defect Petition DP19-004 to evaluate the petitioner's request for an investigation. In August 2020, the petitioner notified the Agency that he was withdrawing his petition. Because the petitioner has withdrawn the petition, we are denying the petition as moot and no further analysis of this petition is necessary.

NHTSA is authorized to issue an order requiring notification and remedy of a defect if the Agency's investigation shows a defect in the design, construction, or performance of a motor vehicle that presents an unreasonable risk to safety. 49 U.S.C. §§ 30102(a)(9), 30118. Because the petitioner has with withdrawn the petition, the petition is denied as moot. This action does not constitute a finding by NHTSA that a safety-related defect does not exist. The Agency notes that it is not required to receive a defect petition prior to opening a defect investigation and will take further action if warranted by future circumstances.



September 19, 2019

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US Department of Transportation
National Highway Traffic Safety Administration (NVS-210)
Office of Defect Investigations
1200 New Jersey Avenue Southeast
West Building
Washington, D.C. 20590

Re: PETITION FOR DEFECT INVESTIGATION – Toyota Hybrid Brake Failures Causing Crashes & Injury

Dear Administrator Owens and National Highway Traffic Safety Administration Staff,

My name is [REDACTED] and I am the President of Claremont Toyota and Capistrano Toyota in Southern California. I write to report the existence of a dangerous safety defect in the brakes of certain Toyota hybrid vehicles, and hereby, in accordance with 49 U.S.C. 30162 and 49 C.F.R § 552.1, petition NHTSA to initiate a Defect Investigation into defective brake booster pump assemblies (with master cylinder) in 2010-2015 Prius, 2012-2014 Camry Hybrid, and 2013-2015 Avalon Hybrid vehicles. This brake defect is causing crashes that are injuring people - and Toyota is mishandling it.

The reliable operation of brake booster pump assemblies with the master cylinder ("brake booster pump assembly" or "brakes") is crucial to a vehicle's ability to stop itself. Toyota has issued at least two safety (or noncompliance) recalls on hybrid vehicles containing these defective brake components - DOH in 2013 (NHTSA ID 13V-235) and KOL in 2019 (NHTSA ID 19V-544).

Toyota has put innocent lives at risk by knowingly excluding hundreds of thousands of hybrids with defective brakes from past safety recall populations. I have written Toyota letters requesting answers about these dangerous decisions, but Toyota has refused to answer. The National Highway Traffic Safety Administration should immediately investigate this safety defect and prevent additional injuries and potential deaths.

TOYOTA EXCLUDED HYBRIDS WITH DEFECTIVE BRAKES FROM PAST SAFETY RECALLS (DOH & KOL)

The Prius, Camry Hybrid, and Avalon Hybrid vehicles Toyota covered **only** with post-failure, reactionary brake repairs (warranty enhancements ZJB & ZKK) are suffering the same dangerous consequences from brake booster pump assembly failures as those Toyota covered by their preventative safety recalls (DOH & KOL). By excluding hybrids with defective brakes from the DOH and KOL safety recalls, Toyota is leaving the owners to helplessly experience the life-threatening brake failure or malfunction **before** Toyota will provide the replacement brake components needed to make the vehicle safe.



CRASHES AND INJURIES CAUSED BY TOYOTA'S DEFECTIVE HYBRID BRAKES

Injuries and crashes caused by the brake defect explained in this letter have occurred and been reported to the National Highway Traffic Safety Administration. Toyota's decision to provide a reactionary, post-failure repair - instead of a *preventative* safety recall remedy - explains many of the crashes and injuries on NHTSA's safecar.gov website.

These stories include Toyota hybrid drivers that, when attempting to brake on the freeway, or when approaching stationary vehicles ahead, depress the brake pedal all the way to the floor, but get no response from the vehicle's brakes. No slowing down and no stopping. This is scary.

Only a small fraction of crashes that have occurred due to this brake defect are reported to NHTSA's safecar.gov website. The true volumes of injuries and crashes caused by this safety defect are undoubtedly much higher. Below is a list of relevant VOQs from safecar.gov. This list does not include all crashes and injuries citing the brake system that were reported to NHTSA. The "C" indicated a reported crash and "I" indicates a reported injury. There are 60 crashes listed below:

PRIUS *SOME 2010s & ALL OTHER MODEL YEARS POST BRAKE FAILURE REPAIR ONLY*
(warranty enhancement ZIB)

- 2015: 10794873 (c), 10875685 (c), 10876015 (c), 10927047, 11231660, 11219354, 11014878
- 2014: 11151142 (c), 10680404 (c), 10627821 (c)(i), 11154835 (c)(ix3), 10983408 (c), 10704553 (c), 10734278 (c), 11173353 (c), 11064519 (c), 10971881
- 2013: 11186947(c), 10923921 (c), 10573591(c), 11243249 (c)(i), 10819439(c)(i), 10592400(c), 10919990(c), 10851950(c)(i), 10855586(c), 11240240, 11197067, 11193820, 11173721, 11156466
- 2012: 11144698 (c), 11235210, 10550179(c), 11253950, 11102264(c), 11044156(c), 11253725, 10616134(c), 10875625(c), 11231596, 10584723(c), 11207636, 10749388(c), 11014797(c), 11203834, 11203591, 11193354, 11182610, 11155778, 11130742, 11129946
- 2011: 11164336, 10498096(c), 11219901, 11154783 (c), 10598545(c), 11228248, 10547701 (c), 11110691 (c), 11164990, 11222966, 11207630, 11192342, 11184751, 11183661, 11183178, 11173804, 11173173, 11173044, 11162242, 11144888, 11139660, 11121916, 11088447, 11080403, 11061959, 10984549
- 2010: 11073636(c), 11034572(c)(i), 10870866(c)(ix2), 10929397(c), 11104163 (c)(ix4)



- Toyota's limp-home mode ("fail-safe") mechanisms for DTC codes C1391, C1256, C1253, U0293, U0100 and others (indicating unreasonable risk to safety and/or FMVSS noncompliance) in Prius Hybrids, Camry Hybrids, and Avalon Hybrids
- Some of Toyota's historical documentation for defective brake booster pump assemblies: Page 2 of safety recall D0H technical instructions with DTC codes, TSB 0024-19, TSB 0079-18, TSB 0130-19, Page 2 of ZJB warranty enhancement with DTC codes, Page 1-2 of ZKK warranty enhancement with DTC codes
- NHTSA VOQ #10923921's Bosch EDR information, EDR explanation, and Tucson City Court Judgement

CONCLUSION

NHTSA VOQ #10923921 was sent to your agency because a crash occurred as a result of a "catastrophic failure of the brake system" in a 2013 Toyota Prius. An Arizona court of law had initially tried to hold the driver of the 2013 Prius responsible for the crash, charging the driver "failed to control" the vehicle.

The Arizona court changed its mind after reviewing the Bosch Event Data Recorder (EDR) information. The "black box" clearly proved that the driver applied maximum pressure to the brake pedal prior to rear ending the vehicle ahead, but that the brakes of the Prius failed to respond. The court decided that, "car data appears to show that vehicle brakes malfunctioned/failed to properly engage when applied. This mitigating factor justified a finding of Not Responsible due to failure beyond defendants control."

NHTSA's Randy Reid responded to the 2013 Prius owner in a letter saying that the complaint "would be considered with other reports to identify...safety-related defect trends that require our attention," and that, "In order for the agency to initiate an investigation, we look carefully at the body of consumer complaints and other available data to determine whether a defect trend may exist".

NHTSA VOQ #11093611 details the story of an Avalon owner who experienced the dangers of depressing the brake pedal all the way to the floor, only to have the vehicle's brakes fail to respond. The complaint contains a DTC report for C1202. This DTC code pertains to a "Master Reservoir Level Malfunction." The reservoir mentioned is in the vehicle's brake booster pump assembly with master cylinder. A NHTSA letter dated October 19, 2018, and signed by Randy Reid, was sent back. It states, "At this time, there is insufficient evidence to warrant opening a safety defect investigation or to initiate a recall."

NHTSA VOQ #11104163 states, "the brakes on my 2010 Toyota failed on the freeway. I rear ended another vehicle and was injured myself." The owner also stated, "***I believe more cars are impacted than what was originally stated***" and provided an explanatory VIN range analysis. He urged NHTSA: "Please don't continue to let Toyota get away with this." NHTSA's [REDACTED] responded to the VOQ in an email stating, "If a trend is suspected and a problem has a potential for causing a risk to safety,



the agency will open an investigation..."

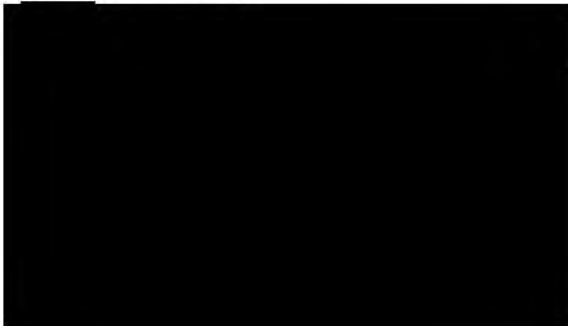
This petition provides enough evidence ("original information") to the National Highway Traffic Safety Administration for the agency to "suspect a trend for a problem that has potential for causing a risk to safety." An investigation into the defective brake booster pump assemblies (with master cylinder) in 2010-2015 Toyota Prius, 2012-2014 Camry Hybrid, and 2013-2015 Avalon Hybrids should be launched. Innocent Lives are at risk.

Federal law requires that a defect causing an unreasonable risk to safety or noncompliance with Federal Motor Vehicle Safety Standards (such as FMVSS 126) be reported within 5 working days of discovery. Federal law also states that Toyota has three options when presented with of a defect that causes an unreasonable risk to safety or an FMVSS noncompliance: a preventative safety repair; replacing the vehicle with a comparable one; or refunding the price of the vehicle less depreciation. Toyota has not taken any of these required actions. Instead, Toyota continues to allow the unsuspecting public to experience life-threatening brake failures. Toyota has violated of the National Traffic and Motor Vehicle Safety Act of 1966.

Pursuant to 49 U.S.C. § 30162(d), I formally request NHTSA respond to this petition within 120 days, if not soon due to the number of crashes and injuries cause by this brake defect.

Thank you for your consideration of this urgent safety matter.

Sincerely,



DISTRIBUTE TO:
 Service Manager
 Warranty Administrator



**Customer Support
Program Bulletin**

No.: POL18-03
Date: 8/9/2018
Page: 1 of 5

REVISED 8/28/19

**SUBJECT: CUSTOMER SUPPORT PROGRAM BULLETIN (ZJB):
REPAIR COVERAGE FOR BRAKE BOOSTER AND BRAKE
BOOSTER PUMP ASSEMBLIES ON CERTAIN 2010-2015
MY PRIUS AND CERTAIN 2010 AND 2012-2015 MY PRIUS
PHV VEHICLES**

Background

Toyota has received reports indicating various brake system related warning lamps illuminate due to internal malfunctions.

Phase	Model	Model Year
1	Prius and Prius PHV Vehicles	2010
2	Prius Vehicles	2011-2015
	Prius PHV Vehicles	2012-2015

Applicability

The Brake Booster and Brake Booster Pump are covered by Toyota's New Vehicle Limited Warranty for 3 years or 36,000 miles (whichever occurs first). However, because we at Toyota care about each customer's ownership experience, Toyota is now offering a voluntary Customer Support Program that applies to various brake system related warning lamps of covered vehicles as a result of internal malfunctions, regardless of whether the vehicle is out of warranty. **One or more of the following Diagnostic Trouble Codes (DTCs) C1391, C1252, C1256, or C1253 will be stored in the vehicles memory to be used as verification.** The timing of any repair under this voluntary Customer Support Program is subject to parts availability.

2010 MY Prius and Prius PHV Vehicles – Phase 1

The Customer Support Program will be offered for all vehicles until **November 30, 2019, regardless of mileage.**

In addition, the Customer Support Program will be available for **10 years from the date of first use, or 150,000 miles whichever occurs first.**

Claim Submission

Claim Type: Repair Program

Note: If the vehicle is still under the New Vehicle Limited Warranty, submit the repair as a **Regular** warranty claim.

Opcode	Model/ Model Year	Description	Labor Time
ZJB001	Prius/ 2010	R & R Brake Booster Assembly with Master Cylinder, R & R Brake Booster Pump Assembly, and Reprogram Skid Control ECU	5.8 hr./vehicle
ZJB002	Prius HV/ 2010	R & R Brake Booster Assembly with Master Cylinder, R & R Brake Booster Pump Assembly	5.3 hr./vehicle
ZJB003	Prius/ 2011-2015	R & R Brake Booster Assembly with Master Cylinder, R & R Brake Booster Pump Assembly	5.3 hr./vehicle
ZJB004	Prius HV/ 2011-2015	R & R Brake Booster Assembly with Master Cylinder, R & R Brake Booster Pump Assembly	5.3 hr./vehicle

Sublet

The cost of the brake fluid (2.0L per vehicle) will be reimbursed under sublet type "OF" for opcodes ZJB001, ZJB002, ZJB003 and ZJB004.

Rental

The rental car cost will be reimbursed for the rental period of maximum 1 day at the rental rate of maximum \$35/day. Use "RT" sublet type and "LNM" as the sublet reason code. A rental invoice must be attached to all rental claims.

<p>Please ensure this electronic bulletin is printed and distributed to those designated as well as any other appropriate personnel.</p>

Customer-Paid Repairs or Replacement of Components

If a customer has previously paid for the repair to address the condition described above, please have them mail a copy of the repair order, proof-of-payment, and proof-of-ownership to the following address for reimbursement consideration:

**Toyota Customer Experience Center
Toyota Motor Sales, USA, Inc.
c/o Toyota Motor North America, Inc.
P O Box 259001 – SSC/CSP Reimbursements
Plano, Texas 75025-9001**

The customer name, address, and telephone number(s) should be included in the request. The customer should allow 4-6 weeks for processing.

Please ensure this electronic bulletin is printed and distributed to those designated as well as any other appropriate personnel.

S. Williams



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