

STATEMENT AND Q&A REGARDING
2007 MODEL YEAR ES 350 ALLEGATIONS OF UNINTENDED THROTTLE CONTROL

03/28/07 v3

NUMBERS NEED TO BE CONFIRMED UPON RECEIPT OF OPENING RESUME FROM NHTSA

Statement:

The National Highway Traffic Safety Administration ("NHTSA") has received ten consumer complaints alleging that the accelerator pedal did not properly control engine speed on certain 2007 Model Year Lexus ES 350 vehicles. Based upon these reports, NHTSA opened an investigation called a Preliminary Evaluation on March 29, 2007. A Preliminary Evaluation is an early-stage inquiry to determine if further analysis (an Engineering Analysis) is warranted, this is not a recall. Lexus is currently cooperating fully with the agency in its efforts to investigate the allegations.

Q1: When did NHTSA begin its investigation of the reported cases?

A1: NHTSA opened an investigation into the allegations of unintended acceleration on March 29, 2007.

Q2: What prompted NHTSA to investigate these issues?

A2: NHTSA received ten consumer complaints alleging the accelerator pedal did not properly control engine speed.

Q3: What seems to be the source of the problem?

A3: Lexus is in the midst of its own investigation. It is premature to comment on the cause until the investigation is completed.

Q3a: NHTSA's Opening Resume indicates it may be related to the Lexus All Weather Floor Mat. What is the relationship between the Lexus All Weather Floor Mat and this investigation?

A3a: The 2007 model year ES 350 vehicle is equipped with the genuine Lexus Carpeted Floor Mats as a factory standard accessory. *As an option*, consumers may purchase the genuine Lexus All Weather Floor Mats (floor mats constructed from heavy duty rubber). The Lexus Carpeted Floor Mat or the All Weather Floor Mat for the driver's seating position must be secured to the vehicle by the retaining hooks which hold the mat in place through special grommet holes in the mat. In some cases, NHTSA found the All Weather Floor Mat installed on top of the existing Lexus Carpeted Floor Mat in the driver's seating position. In these cases, the retaining hooks on the floor would not be long enough to hold both the Lexus Carpeted and All Weather Floor Mats in place.

In terms of the relation to this Preliminary Evaluation, Lexus is in the midst of its own investigation. It is premature to comment on the cause until the investigation is completed.

Q4: Are these ten complaints the only vehicles you are aware of that have experienced this problem?

A4: Our initial focus is on the ten complaints reported by NHTSA. However, our investigation will tell us if there are more vehicles involved.

Q5: Is this a recall?

A5: No. This is not a recall.

Q6: What if customers have questions or safety concerns regarding this issue, should they go to their dealer?

A6: We remain confident in the safety of these vehicles, but if customers have any concerns at all they should feel free to contact our Lexus Customer Experience Center at 1-800-255-3987.

Q7: Have there been any cases of deaths or injuries?

A7: There are no reported deaths among the ten consumer allegations. However, there were allegations of four crashes in ten of the complaints where injuries may have occurred.

Q8: How many ES 350 vehicles has Lexus sold that are being investigated?

A8: There were approximately 87,800 model year 2007 ES 350 vehicles manufactured for sale in the United States.

Q9: Didn't NHTSA open several other Defect Investigations regarding the Camry and ES for unintended throttle application or engine surging? Is this new case related to those past investigations?

A9: The one previous formal investigation (Preliminary Evaluation) concerned 2002 – 2003 model year Camry, Camry Solara and ES 300 vehicles. NHTSA opened a Preliminary Evaluation on March 3, 2004 to investigate 12 consumer complaints alleging that the throttle system did not properly control engine speed on 2002 through 2003 Model Year Toyota Camry, Solara and ES 300 vehicles. NHTSA closed the Preliminary Evaluation on July 22, 2004 because there was no defect trend indicating that an Electronic Throttle Control failure occurred and NHTSA found nothing abnormal in the control pedal configuration of the subject vehicles.

Q10: According to the NHTSA website, there seems to be two other investigations. Doesn't that make three investigations?

A10: NHTSA opened two Defect Petitions in 2005 and 2006. A Defect Petition is the process in which a private citizen or organization can petition the agency to open a Preliminary Evaluation. The Defect Petition process allows the agency to consider the merit of the case and determine whether a formalized Defect Investigation (Preliminary Evaluation) needs to be opened or not. In both the 2005 and 2006 calendar year cases, NHTSA closed the Defect Petition without opening a Preliminary Evaluation.