



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

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 06 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher Tinto, Vice President
Technical and Regulatory Affairs
Toyota Motor North America, Inc.
1850 M St., NW, Suite 600
Washington, DC 20036

NVS-214gtb
EA05-007 & 008

Dear Mr. Tinto:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation of pick-up truck tailgate support cables installed in certain General Motors vehicles.

General Motors is conducting Campaign 04V-129 to replace the tailgate support cables installed in certain 2000 - 2004 model year Sierra and Silverado vehicles and certain 2002 - 2004 model year Chevrolet Avalanche and Cadillac Escalade EXT vehicles.

ODI has received complaints from owners of General Motors' vehicles not addressed by 04V-129 and has initiated EA05-007 to address model year 1998, 1999, and partial model year 2000 C/K General Motors vehicles and EA05-008 to address 1998 through 2004 S-10, Sonoma, and successor model General Motors vehicles.

As part of the above-referenced investigations, ODI is requesting data from manufacturers of similar or "peer" vehicles.

ODI records indicate one consumer complaint pertaining to the tailgate support cables installed in a Toyota vehicle. In March 2005, ODI received VOQ 10113161 in which the owner of a 1999 Toyota Tacoma pick-up truck reported that the left side tailgate support cable installed in his vehicle had broken and that the right side tailgate support cable had remained intact. This incident did not result in a personal injury.

The purpose of this letter is to request certain information from Toyota about the tailgate support cable(s) installed in model year 1998-2004 Toyota vehicles.



DOT AUTO SAFETY HOTLINE
888-DASH-2-DOT
888-327-4238

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all 1998 through 2004 model year Toyota vehicles equipped with tailgate support cables sold or leased for sale in the United States
- **Subject component(s):** tailgate support cable(s).
- **Toyota:** all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of Toyota (including all business units and persons previously referred to), who are or, in or after 1998, were involved in any way with any of the following related to the alleged defect in the subject vehicles:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** One or both tailgate support cables breaking.
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and

outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers, including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by Toyota, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by TOYOTA or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as Toyota has previously provided a document to ODI, Toyota may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After Toyota's response to each request, identify the source of the information and indicate the last date the information was gathered.

To the extent possible, provide the requested information in Microsoft Access or Excel 2000 electronic format.

Production Information – Vehicles Equipped with Tailgate Support Cables

1. Identify by model, model year, and by manufacturing location, the number of subject vehicles (vehicles equipped with tailgate support cables) that Toyota has manufactured for sale or lease in the United States since model year 1998.

Provide the table in Microsoft Access or Excel 2000, or a compatible format, entitled "Request Number 1 – Toyota, Production Information."

Complaints

2. State the number of each of the following, received by Toyota, or of which Toyota is otherwise aware, which relate to, or may relate to, the alleged defect (*) in the subject vehicles received by Toyota since January 1, 1998, pertaining to:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving an injury or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - d. Reports based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a subject vehicle, property damage claims, consumer complaints, or field reports;
 - e. Property damage claims; and
 - f. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
 - g. Lawsuits, both pending and closed, in which Toyota is, or was, a defendant or codefendant.

(*) ODI has defined the alleged defect as "tailgate support cable breakage." ODI requests that Toyota confine its investigation to complaints that are consistent with this failure mode. Reports of tailgate cable breakage may be described by such terms as, "broken," "fractured," "cracked," "cut," "sheared," "separated," "inoperative," etc. Please exclude complaints pertaining to tailgate cables for such issues as cosmetic appearance, fitment, accidental damage, etc. that do not indicate a broken or compromised tailgate support cable or the imminent possibility that the tailgate support cable may lose load-carrying integrity.

For subparts "a" through "d," state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident are to be counted as a field report and a consumer complaint).

In addition, for items "c" through "g," provide a summary description of the alleged problem and causal and contributing factors and Toyota's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "f" and "g," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

Provide this information in Microsoft Access or Excel 2000, or a compatible format, entitled "Request Number Two – Complaint Summary Data."

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of the response to Request No. 2, state the following information:
 - a. Toyota's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year;
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether property damage is alleged;
 - j. Number of alleged injuries, if any; and
 - k. Number of alleged fatalities, if any.

Provide this information in Microsoft Access or Excel 2000, or a compatible format, entitled "Request Number Three – Complaint Details."

Warranty Claims

4. State, by model and model year, a total count for all of the following categories of claims, collectively, whether reimbursed, adjusted, or not reimbursed by Toyota to date that relate to, or may relate to, the alleged defect (*) in the subject vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin or customer satisfaction campaign.

(*) ODI has defined the alleged defect as "tailgate support cable breakage." ODI requests that Toyota confine its investigation to complaints that are consistent with this failure mode. Reports of tailgate cable breakage may be described by such terms as, "broken," "fractured," "cracked," "cut," "sheared," "separated," "inoperative," etc. Please exclude complaints pertaining to tailgate cables for such issues as cosmetic appearance, fitment, accidental damage, etc. that do not indicate a broken or compromised tailgate support cable or the imminent possibility that the tailgate support cable may lose load-carrying integrity.

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.
- j. Claim disposition (reimbursed, adjusted, or not reimbursed).

Provide this information in Microsoft Access 2000, or a compatible format, entitled "Request Number Four - Warranty Information."

5. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 4, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the subject vehicles.

State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the subject vehicles (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered). Describe any extended warranty coverage option(s) that Toyota offered for the subject vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

Replacement Parts Sales

6. List all tailgate support cable part number(s) or the part number of subassemblies containing a tailgate support cable which were sold as replacement parts for the vehicles listed in response to Request No 1. and state the quantity of each aftermarket or replacement tailgate support cable that Toyota has sold by year from 1998 to the present.

This letter is being sent to Toyota pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. Toyota's failure to respond promptly and fully to this letter could subject Toyota to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If Toyota cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, Toyota does not submit one or more requested documents or items of information in response to this information request, Toyota must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

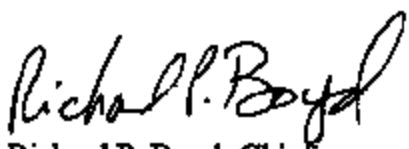
Toyota's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by July 8, 2005. Please refer to EA05-007 & 008 in Toyota's response to this letter. If Toyota finds that it is unable to provide all of the information requested within the time allotted, Toyota must request an extension from me at (202) 366-4933 no later than five business days before the response due date. If Toyota is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information Toyota then has available, even if an extension has been granted.

If Toyota claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5

U.S.C. § 552(b)(4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, Toyota must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (68 Fed. Reg. 44209 et seq; July 28, 2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. TOYOTA is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted.

If you have any technical questions concerning this matter, please call Tom Bowman of my staff at (202) 366-2583.

Sincerely,



Richard P. Boyd, Chief
Medium & Heavy Duty Vehicle Division
Office of Defects Investigation

Enclosure: 1 VOQ 10113161