



U.S. Department  
of Transportation

**National Highway  
Traffic Safety  
Administration**

SEP 20 2006

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

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Christopher Tinto, Director  
Toyota Motor Corporation  
601 Thirteenth Street, NW  
Suite 910 South  
Washington, DC 20005

NVS-213aan  
EA06-014

Dear Mr. Tinto:

As you are aware, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has upgraded Recall Query RQ06-005 to an Engineering Analysis, EA06-014, to further investigate allegations of front suspension lower ball joint separation in model year (MY) 2004 through 2005 Tundra pickup trucks manufactured by Toyota Motor Corporation. This letter is being sent to Toyota to request additional information concerning the alleged defect in those vehicles and certain other pickup trucks and sport utility vehicles manufactured by Toyota.

On August 20, 2004, ODI opened an Engineering Analysis (EA04-024) to investigate allegations of front suspension lower ball joint separations in MY 2002 Toyota Tundra pickup trucks. On May 16, 2005, Toyota submitted a Defect Information Report to NHTSA describing a defect in the front suspension lower ball joints used in approximately 775,000 MY 2002-2004 Toyota Tundra/Sequoia, MY 2001-2004 Toyota Tacoma and MY 2001-2002 Toyota 4Runner vehicles. The report stated that, due to a manufacturing issue, the ball joints could experience excessive wear which could result in separation of the joints while driving, causing a loss of vehicle control. The report was amended on August 5, 2005, to remove approximately 6,500 MY 2004 Toyota Tundra and Sequoia vehicles from the recall because they used a different ball joint, reducing the volume of affected vehicles to about 768,000. Toyota's recall repair involved replacing the lower ball joints with parts made with an improved design and manufacturing process. When EA04-024 was closed on July 8, 2005, ODI was aware of 45 incidents of lower ball joint separation while driving in approximately 110,000 MY 2002 Toyota Tundra vehicles – a rate of 41 incidents per 100,000 vehicles in a population that had been in service for about 3 to 4 years. Failure data were not available for the remaining recall population.

ODI opened RQ06-005 based on four consumer reports of alleged ball joint failure in MY 2004 Tundra vehicles that were not included in Recall 05V-225. During RQ06-005



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ODI's analysis of consumer complaints, field reports and warranty claims identified a total of 112 incidents of lower ball joint separation while driving in approximately 221,000 MY 2004-2005 Toyota Tundra pickup trucks. The majority of these incidents, 110, involved approximately 106,000 MY 2004 vehicles – a rate of 103 incidents per 100,000 vehicles in a population that had been in service for less than three years. ODI notes that, although the MY 2004 Tundra vehicles have less time in service than the MY 2002 Tundra vehicles did when they were recalled in 05V-225, the rate of lower ball joint separations in the MY 2004 vehicles appears to be more than double the rate in the MY 2002 vehicles when Toyota made its defect determination.

In order to evaluate the alleged defect and complete its investigation, ODI is requesting specific information from Toyota. Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** all MY 2004 through 2006 Toyota Tundra vehicles manufactured for sale or lease in the United States that were not included in the subject recall.
- **Subject peer vehicles:** all MY 2004 through 2006 Toyota Sequoia, Tacoma and 4Runner vehicles manufactured for sale or lease in the United States.
- **Subject recall:** Recall 05V-225.
- **Subject component:** all front suspension lower ball joints manufactured for use as original equipment or replacement parts on the subject vehicles.
- **Secondary component(s):** all components attached to or located near the front suspension system that can be damaged during or immediately after lower ball joint separation, including, but not limited to, the brake rotor, brake line, axle (four-wheel drive), body damage, and steering knuckle.
- **Toyota:** Toyota Motor Corporation, 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 1996, 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. Communications 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:** The front suspension ball joint allegedly separates or a front wheel separates from the vehicle while the vehicle is being driven.
  - **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.

1. Identify all vehicles that use the same lower ball joints as the MY 2004 through 2006 Toyota Tundra pickup trucks. For any such vehicles not already so included, add them to the subject peer vehicle group for responding to this letter.
2. State, by model and model year, the number of subject vehicles and subject peer vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject vehicle manufactured to date by Toyota, state the following:
  - a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Drivetrain (two-wheel drive or four-wheel drive);
  - e. Model Year;
  - f. Whether the vehicle uses a subject component (i.e., the same lower ball joint as the subject vehicles);
  - g. Date of manufacture;
  - h. Date warranty coverage commenced; and
  - i. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide the table in Microsoft Access 2000, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

3. 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 and subject peer vehicles:
  - a. Consumer complaints, including those from fleet operators;
  - b. Field reports, including dealer field reports;

- c. Reports involving a crash, 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. Property damage claims;
- e. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
- f. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

Also, state the number of each of the above items, received by Toyota, or of which Toyota is otherwise aware, which relate to, or may relate to, any and all alleged front suspension lower ball joint separation incident(s) that occurred in the subject recall vehicles after the subject recall remedy was performed.

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 in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "f," 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 "e" and "f," 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.

4. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 3, state the following information:
  - a. Toyota's file number or other identifier used;
  - b. The category of the item, as identified in Request No. 3 (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 a crash is alleged;
  - j. Whether property damage is alleged;
  - k. Number of alleged injuries, if any; and
  - l. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER THREE? DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

5. Produce copies of all documents related to each item within the scope of Request No. 3. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for organizing the documents.
6. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota to date that relate to, or may relate to, the lower ball joints in the subject vehicles and subject peer 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.

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. Whether the vehicle was towed to the dealer for the repair;
- h. Labor operation number;
- i. Problem code;
- j. Replacement part number(s) and description(s);
- k. Concern stated by customer; and
- l. Comment, if any, by dealer/technician relating to claim and/or repair.

Also, state a total count for each of the above items that have been paid by Toyota to date that relate to, or may relate to, any and all alleged front suspension lower ball joint separation incident(s) that occurred in the subject recall vehicles after the subject recall remedy was performed.

Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

7. State a total count for all such claims identified in response to Request No. 6 that relate to a subject component that maintained its joint retention capability and provide a tabulation of those by fault code (e.g., wear, noise, loose, etc.). Separately, state a total count for all such claims identified in response to Request No. 6 that relate to the alleged defect.
8. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 6, 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 and subject recall 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.

9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.
10. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Toyota. For each such action, provide the following information:
  - a. Action title or identifier;
  - b. The actual or planned start date;
  - c. The actual or expected end date;
  - d. Brief summary of the subject and objective of the action;
  - e. Engineering group(s)/supplier(s) responsible for designing and for conducting the action; and
  - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

11. Describe all modifications or changes made by, or on behalf of, Toyota in the design, material composition, manufacture, quality control, supply, or installation of the subject component, from the start of production to date, which relate to, or may relate to, the alleged defect. For each such modification or change, provide the following information:
  - a. The date or approximate date on which the modification or change was incorporated into vehicle production;
  - b. A detailed description of the modification or change;
  - c. The reason(s) for the modification or change;
  - d. The part numbers (service and engineering) of the original component;
  - e. The part numbers (service and engineering) of the modified component;
  - f. Whether the original unmodified component was withdrawn from production and/or sale, and if so, when;
  - g. When the modified component was made available as a service component; and
  - h. Whether the modified component can be interchanged with earlier production components.

Also, provide the above information for any modification or change that Toyota is aware of which may be incorporated into vehicle production within the next 120 days. For 10.c,

provide more detailed explanations of the reasons for the changes that were identified in response to RQ06-005 and provide copies of all related documents.

12. State the number of each of the following that Toyota has sold that may be used in the subject vehicles and subject vehicles by component name, part number (both service and engineering/production), model and model year of the vehicle in which it is used and month/year of sale (*including the cut-off date for sales, if applicable*):
  - a. Lower ball joints; and
  - b. Any kits released or developed by Toyota for use in service repairs to the lower ball joints.

For each component part number, provide the supplier's name, address, and appropriate point of contact (name, title, and telephone number). Also identify by make, model and model year, any other vehicles of which Toyota is aware that contain the identical component, whether installed in production or in service, and state the applicable dates of production or service usage.

13. Furnish copies of all communications between Toyota and each supplier of subject components for the subject vehicles that pertain to the design, manufacture, performance, durability, quality, testing, or modification of the subject component in the subject vehicles or to its application for the front suspension assembly. This includes, but is not limited to, discussions regarding Toyota's ball joint engineering specifications and requirements, the specifications used by the supplier(s) in producing the subject components, any factors of safety incorporated into the engineering specifications and requirements, any procedures for installing and/or assembling the subject component, and the manufacturing and quality control processes followed by the supplier(s) (and, if applicable, by Toyota) as to the subject components. If any communications on this subject were oral or were conducted electronically, provide a written transcript or summary of each such communication, and include a statement that identifies the participants and the date of the communication.
14. Describe, and provide copies of all documents relating to, all of the engineering specifications related to joint wear, durability, end-play and separation/retention force. State the design service life in both years and mileage for the subject components.
15. Provide a detailed description and flow chart of Toyota's recall decision making process including the titles, organization and location of all individuals and/or groups responsible for the investigation, analysis, review and/or final defect determination decision. Describe and provide copies of all documents relating to Toyota's final analysis of the defect condition addressed by Recall 05V-225, including all reports and presentations reviewed by engineering and/or recall decision making groups.
16. Provide the following information regarding the vehicles recalled in 05V-225:
  - a. Provide a table listing the vehicles recalled by model, model year and drivetrain;
  - b. For each model, model year and drivetrain listed in 16.a, state the number of vehicles sold in the United States;



- c. For each model, model year and drivetrain listed in 16.a, state the total number of lower ball joint separation incidents Toyota was aware of when it decided to conduct Recall 05V-225;
  - d. For each model, model year and drivetrain listed in 16.a state the total number of lower ball joint separation incidents Toyota is aware of now (this should include the incidents tabulated in response to 16.c);
  - e. Using actual data or statistical models as appropriate state the lower ball joint separation rates for each of the vehicle model, model year and drivetrain combinations listed in 16.a at 24-, 36-, 48, and 60-months in service;
  - f. Using actual data or statistical models as appropriate state the lower ball joint separation rates for each of the vehicle model, model year and drivetrain combinations listed in 16.a at 36,000, 60,000 and 100,000 miles;
  - g. Provide an Excel spreadsheet listing all of the separation incidents tabulated in 16.d by vehicle model, model year and model year with the same information requested in Request No. 4; and
  - h. Provide the same information requested in Request Nos. 16.a, 16.b, 16.d, 16.e and 16.f for the subject vehicles and subject peer vehicles.
17. State, by model and model year, the number of vehicles that have received the remedy for Recall 05V-225. Separately, for each of the vehicles covered by Recall 05V-225, state the following:
- a. Vehicle identification number (VIN);
  - b. Make;
  - c. Model;
  - d. Drivetrain;
  - e. Model Year;
  - f. Date of manufacture;
  - g. Date warranty coverage commenced;
  - h. Date Recall 05V-225 repairs were completed;
  - i. Vehicle mileage when Recall 05V-225 repairs were completed;
  - j. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease); and
  - k. The State in the United States where the Recall 05V-225 repairs were completed.

Provide the table in Microsoft Access 2000, or a compatible format, entitled "RECALL DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

18. Furnish Toyota's assessment of the alleged defect in the subject vehicle, including:
- a. The causal or contributory factor(s);
  - b. The failure mechanism(s);
  - c. The failure mode(s);
  - d. The risk to motor vehicle safety that it poses;
  - e. The failure rate and trend in comparison to the rates and trends associated with the subject recall vehicles at the time Toyota notified the agency of the subject recall;
  - f. How the condition pertains to the parts used in the remedy for Recall 05V-225; and

- g. The reports included with this inquiry.
19. Compare the lower ball joint separation rates at 24- and 36-months in service of the MY 2004 subject vehicles and the Tundra vehicles recalled in 05V-225 and explain why Toyota has not recalled the subject vehicles to replace the subject components.

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 \$16,050,000 for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. *See* 49 CFR 578.6 (as amended by 69 Fed. Reg. 57864 (Sept. 28, 2004)). 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 November 16, 2006. Please refer to EA06-014 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) 366-5207 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 (69 Fed. Reg. 21409 et seq; April 21, 2004), 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 Ms. Andrea Noel of my staff at (202) 493-0210.

Sincerely,



*for*

Kathleen C. DeMeter, Director  
Office of Defects Investigation  
Enforcement

Enclosure 1, One CD ROM titled Data Collection Disc containing three files  
Enclosure 2, Six (6) Consumer Complaints