



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

MAY 18 2007

1200 New Jersey Avenue SE
Washington, DC 20590

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Tinto
Technical and Regulatory Affairs
Toyota Motor Corporation
1850 M Street, NW, Suite 600
Washington, District of Columbia 20036

NVS-212-pco
PE07-025PIR

Dear Mr. Tinto:

The Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) is conducting an investigation (PE07-025) of alleged hitch receiver failure in certain Model Year (MY) 2002 C/K 2500 sport utility vehicle (SUV) and pickup (PU) vehicles manufactured by General Motors Corporation. For a comparative assessment, we are requesting information concerning certain Toyota vehicles equipped with original equipment hitch receiver for towing campers and trailers

Unless otherwise stated in the text, the following definitions apply to this information request:

- **Subject peer vehicles:** all MY 2002-2003 Tundra and Sequoia vehicles, equipped with an OEM hitch receiver capable of towing a 5,000 pounds or greater camper/trailer.
- **Subject condition:** Failure, tearing, bending or loosening of the hitch receiver. Type of failures include but are not limited to failure of welds of the pin box, metal bending/tearing of the receiver and loosening of bolts holding the hitch receiver to the vehicle frame..
- **Toyota:** Toyota Motor North America, Inc., 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 September 1, 2003, were involved in any way with any of the following related to the subject condition in the subject peer 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.

- **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 subject condition, 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. On data retrievals (sales data, warranty data etc...), the data shall be collected at the end of the monthly period (no partial month data) but no earlier than 15 days from the posted date of this letter.

1. State within the body of the response letter and in an electronic spreadsheet format, by model, model year, the total number of subject peer vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each vehicle manufactured to date by Toyota, state the following:
 - a. Make;
 - b. Model;
 - c. Model Year;
 - d. Vehicle identification number (VIN);
 - e. Date of manufacture (in "yyyy/mm/dd" date format);
 - f. Date warranty coverage commenced (in "yyyy/mm/dd" date format) or "Unsold" if not sold; and
 - g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

In addition, provide within the body of the response letter, a table containing the subject peer vehicles by model, model year, GVWR, GCWR, and the corresponding hitch rating(s) including the trailer towing capacity and tongue weight (with and without the weight distribution hitch). Describe which of these vehicle towing attributes can be deciphered from within the vehicle's VIN code. Provide this spreadsheet table also in a file in Microsoft Excel, or a compatible format, entitled "VEHICLE TOW RATINGS."

Provide a separate population file for each MY of the peer vehicle and within each MY file, a separate population table for each GVWR group in Microsoft Access 2000, or a compatible format, entitled "MY XX PEER VEHICLE PRODUCTION DATA." If there are multiple tow ratings for the same model year/GVWR vehicle, denote them.

2. State within the body of the response letter and in an electronic spreadsheet format, a table each showing 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 subject condition in the subject peer vehicles, by MY and by GVWR group:
 - 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 peer vehicle, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims (including own vehicle); and
 - 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.

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). Identify reports that are duplicates of other mfg reports/claims.

Provide the table in Microsoft Excel 2000, or a compatible format, entitled "MANUFACTURER REPORT COUNT."

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information for the subject peer vehicle and each MY by GVWR groups:
 - 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 (in "yyyy/mm/dd" date format);
 - h. Report or claim date (in "yyyy/mm/dd" date format);
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any;
 - l. Number of alleged fatalities, if any.

Provide a separate complaint table for each model and for each MY of the subject peer vehicle. Provide this information in Microsoft Access 2000, or a compatible format, entitled "REQUEST NUMBER TWO DATA."

4. State within the body of the response letter and in an electronic spreadsheet format, by model, model year and GVWR groups, 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 alleged defect in the 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 (in "dd/mm/yyyy" date format);
- 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.

Provide a separate warranty data table for the subject peer vehicles for each MY. Provide this information in Microsoft Access 2000, or a compatible format, entitled "WARRANTY DATA."

5. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 5, 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 peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage (including the OEM hitch receiver) offered by Toyota on the subject peer 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 peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.
6. Describe the towing option(s) that are available to the owners for which the hitch receiver is installed as original equipment (OEM) on the vehicle including a description of other towing related accessories included in the package. Provide a copy of the owner manual towing section(s) and other available towing literatures that is provided to an owner of an OEM hitch receiver equipped vehicle and any other material that is available to the owner (on request or

purchase) concerning towing limits and guides. If the material differs for GVWR groupings please specify.

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 \$6,000 per day, with a maximum of \$16,375,000 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 71 Fed. Reg. 28279 (May 16, 2006)). 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 **June 29, 2007**. **All business confidential information must be submitted directly to the Office of Chief Counsel as described in the following paragraph and should not be sent to this office.** In addition do not submit any business confidential information in the body of the letter submitted to this office. Please refer to PE07-025 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 Mr. Thomas Z. Cooper at (202) 366-5218 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.** Please remember that the word "CONFIDENTIAL" must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 5 U.S.C. § 512.6.

If you have any technical questions concerning this matter, please call Peter Ong of my staff at (202) 366-0583.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas Z. Cooper". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

Thomas Z. Cooper, Chief
Vehicle Integrity Division
Office of Defects Investigation