



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

1200 New Jersey Avenue SE.
Washington, DC 20590

DEC 29 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Christopher J. Tinto, Vice President
Toyota Motor North America, Inc.
Technical and Regulatory Affairs
601 Thirteenth Street, NW
Suite 910 South
Washington, DC 20005

NVS-213swmc
EA09-006

Dear Mr. Tinto:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Engineering Analysis (EA09-006) to investigate allegations of inappropriate brake application of one or more wheels and/or loss of throttle control in model year (MY) 2003 Toyota Sequoia vehicles manufactured by Toyota Motor Corporation (Toyota). These brake application(s) and/or losses of throttle control may be attributable to a vehicle stability control (VSC) system malfunction and/or a traction control system (TRAC) malfunction. This letter requests certain information.

This office has received 65 reports alleging incidents of inappropriate brake application of one or more wheels and/or loss of throttle control caused by VSC malfunctions and/or a TRAC malfunctions in MY 2003 Toyota Sequoia vehicles. A copy of these reports has been previously supplied to you.

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

- **Subject vehicles:** all MY 2003 through 2005 Toyota Sequoia vehicles manufactured for sale or lease in the United States.
- **Subject bulletins:** all technical service bulletins related to the VSC system in the subject vehicles, including but not limited to bulletins BR002-03, BR003-03, BR006-06, and DL001-05, and amended versions thereof.
- **Subject systems:** the Vehicle Stability Control system and/or the Traction Control system.

- **Subject components:** 1) all translate and skid control computer assemblies; and 2) rear wheel speed sensors, manufactured for use as original equipment or service part on the subject vehicles.
- **Toyota:** Toyota Motor Corporation, Toyota Motor North America, Inc., all of their past and present officers and employees, whether assigned to their principal offices or any of their field or other locations, including all of their 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 January 1, 2000, 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:** Sudden and unexpected braking to one or more wheels and/or a loss of engine power.
- **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. State, by model year, the number of extended vehicle service agreements purchased from Toyota on the subject vehicles. Separately, for each vehicle, state the following:
 - a. Vehicle Identification number (VIN);
 - b. Make;
 - c. Model;
 - d. Model Year;
 - e. Name of extended service plan;
 - f. The mileage at which the extended service plan expires; and
 - g. The number of months from the warranty start date at which the extended service plan expires.

Provide the table in Microsoft Access 2003, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

2. State the number of each of the following, received by Toyota, or of which Toyota is otherwise aware, and not previously submitted to NHTSA, which relate to, or may relate to, the alleged defect and/or the subject systems in the subject 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; 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).

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.

Toyota's March 24, 2009 letter did not include complaints and reports that only described the illumination of the warning lights and did not mention experiencing the alleged defect. For items "a" through "f" please provide all such items, including those previously excluded, for MY 2003 subject vehicles.

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:
 - 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. 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 TWO DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table which provides further details regarding this submission.

- 4. Produce copies of all documents related to each item within the scope of Request No. 2. Organize the documents separately by category (i.e., consumer complaints, field reports, etc.) and describe the method Toyota used for organizing the documents.
- 5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by Toyota that relate to, or may relate to, the alleged defect and/or subject systems 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.

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. Model Year;
- e. Repair date;
- f. Vehicle mileage at time of repair;
- g. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- h. Labor operation number;
- i. Problem code;
- j. Replacement part number(s) and description(s) of the parts that were installed, not the ones that were removed;
- k. Concern stated by customer;
- l. Cause and correction; and
- m. Additional comment, if any, by dealer/technician relating to claim and/or repair.

With respect to "5.j" above, Toyota indicated that its March 24, 2009 letter provided the part numbers and descriptions of the parts that were removed from the subject vehicles, not the replacement parts used in the service repair. Please provide an update of the information previously supplied in accordance with the current description of item j as required herein. 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 which provides further details regarding this submission.

6. 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 vehicles. State 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.
7. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the subject system in the subject vehicles, that Toyota has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities not previously submitted by Toyota. 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.
8. 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 and/or subject systems in the subject vehicles that have been conducted, are being conducted, are planned, or are being planned by, or for, Toyota that have not been previously submitted. 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.

9. 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 components, from the start of production to date, which relate to, or may relate to, the alleged defect and/or subject systems in the subject vehicles that Toyota has not previously submitted. 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 number(s) (service and engineering) of the original component;

- e. The part number(s) (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.

10. State the number of each of the following that Toyota has sold since February 19, 2009 that may be used in the subject vehicles by component name, part number (both service and engineering/production), and month/year of sale (including the cut-off date for sales, if applicable):
- a. Subject components; and
 - b. Any kits that have been released, or developed, by Toyota for use in service repairs to the subject component/assembly.

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.

11. With respect to the traction control system used in the subject vehicles:
- a. Provide a description of system operation, including a diagram showing the location of all sensors, control modules and other components;
 - b. Provide copies of all failure modes and effects analyses;
 - c. Provide a detailed description of the how the traction control system controls vehicle braking and throttle opening, the range of controls for the brake and throttle systems during system intervention/activation, and the maximum vehicle deceleration that can result from such events;
 - d. Describe and provide copies of all documents related to tests or other analyses conducted by, or for, Toyota regarding the effects of inappropriate traction control system activation on vehicle control in various driving conditions;
 - e. Describe all visual and audible indicators available to the vehicle operator to signal traction control system activation or a fault in the traction control system;
 - f. Provide a listing of all trouble/fault codes associated with the traction control system and a description of how each is detected;
 - g. Provide a detailed description of the traction control system self diagnostics and all faults/conditions that will cause the system to deactivate;
 - h. Provide detailed descriptions of how contaminated and/or malfunctioning rear wheel speed sensors, or inaccurate rear wheel speed signals, can affect traction control system operation;
 - i. Describe the maximum time duration of a traction control system activation event in the subject vehicles; and

- j. Explain in detail whether the condition described in Toyota bulletin DL001-05 and Toyota "Attachment-Response 12-I" of Toyota's March 24, 2009 response applies to MY 2003 subject vehicles.
12. In Toyota's March 24, 2009 letter, in response to Question 4, Toyota provided a consumer complaint identified as 200411110354. In the case history, there is a notation that states: "NOTE TO CRM: VSC failure is known concern w/ '03 Sequoia. Please contact DSPM for further assist, b/c safety concern." With respect to that notation, provide the following:
- a. Identify and provide detailed descriptions of CRM and DSPM and explain the role of each with regard to (1) the issues identified in the specific consumer complaint, (2) consumer complaints generally; and (3) consumer complaints involving potential safety concerns;
 - b. State the name, telephone number and address of the employee that transcribed the complaint;
 - c. State the name, telephone number and address of the applicable CRM;
 - d. Describe in detail the VSC failure mode referenced in the complaint notation;
 - e. Describe in detail, and provide copies of all documents related to, VSC failures in MY 2003 Toyota Sequoia vehicles and explain which of the problems/concerns relate to the vehicle associated with this complaint and how they are "known" to Toyota in the context of the complaint case history;
 - f. State the name, telephone number and address of the applicable DSPM; and
 - g. Describe in detail Toyota's understanding of the safety concern referenced in the notation.
13. 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. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring or subject component was malfunctioning; and
 - f. The reports included with this inquiry.

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.) 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 February 19, 2010 **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 PE08-072 in Toyota's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel. If Toyota finds that it is unable to provide all of the information requested within the time allotted, Toyota must request an extension from Jeff Quandt 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, to the Office of Chief Counsel (NCC-111), National Highway Traffic Safety Administration, Room W41-227, 1200 New Jersey Avenue, S.E., 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 BUSINESS INFORMATION" 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 submit a request for confidentiality for all or part of your response to this IR, that is in an electronic format (e.g., CD-ROM), your request and associated submission must conform to the new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats (49 CFR 512.6(c)). See Federal Register, volume 72, page 59434 (October 19, 2007).

Please send email notification to Stephen McHenry (stephen.mchenry@dot.gov) and to ODI_IRresponse@dot.gov when Toyota sends its response to this office and indicate whether there is confidential information as part of Toyota response.

If you have any technical questions concerning this matter, please call Stephen McHenry of my staff at (202) 366-4883.

Sincerely,



Kathleen C. DeMeter, Director
Office of Defects Investigation
Enforcement

Enclosure 1, one CD ROM titled Data Collection Disc containing three files

The following VOQs are currently categorized as experiencing the alleged defect in MY 2003 subject vehicles based on owner interview and/or VOQ text. Unredacted copies have been provided to Toyota.

Traction control system related VOQs:

10280487, 10136891, 10136908, 10140973, 10146871, 10155307, 10019482, 10058750, 10066132, 10094214, 10094594, 10167915, 10171069, 10175868, 10177953, 10180756, 10182945, 10183085, 10183683, 10187742, 10188459, 10196788, 10197659, 10200028, 10203703, 10204349, 10204500, 10205779, 10205884, 10214549, 10218693, 10226997, 10227676, 10228010, 10233861, 10235803, 10240140, 10243238, 10243471, 10245511, 10248958, 10251560, 10254023, 10255210, 10257115, 10257450, 10258596, 10258797, 10265205, 10266665, 10275246, 10276061

VSC system related VOQs:

10124819, 10163175, 10171069, 10196897, 10198283, 10206587, 10231215, 10233563, 10248958, 10257450, 10258498, 10258797, 10265205, 10265656, 10266825, 10267180, 10268910, 10274543, 10275246