



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



1200 New Jersey Avenue SE.  
Washington, DC 20590

OCT 11 2019

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

Mr. Tom Trisdale  
Vice President - Product Quality & Service Support  
Toyota Motor North America  
6565 Headquarters Drive  
Plano, TX 75024

NEF-104kh  
DP19-004

Dear Mr. Trisdale:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened Defect Petition DP19-004 to evaluate a petition for “NHTSA to initiate a Defect Investigation into defective brake booster pump assemblies (with master cylinder) in 2010-2015 Prius, 2012-2014 Camry Hybrid, and 2013-2015 Avalon Hybrid vehicles” and to request information to assist us in our evaluation.

This office has received a defect petition from Mr. Roger Hogan, president of Claremont and Capistrano Toyota dealers, requesting that NHTSA investigate brake booster assembly failures in model year (MY) 2010 through 2015 Prius, MY 2012 through 2014 Camry Hybrid and MY 2013 through 2015 Avalon Hybrid vehicles that are currently covered under Toyota Customer Support Programs ZJB and ZKK. As supporting evidence, Mr. Hogan provided a list of complaints that he alleges are related to the brake booster pump assembly condition addressed by the ZJB and ZKK programs. Copies of the petition, supporting information and subject complaints have previously been provided to you.

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

- **Subject Vehicles:** all MY 2010 through 2015 Prius and Prius PHV, MY 2012 through 2014 Camry Hybrid, and MY 2013 through 2015 Avalon Hybrid vehicles manufactured for sale or lease in the United States and federalized territories.
- **Subject Complaint Vehicles:** the vehicles involved in the NHTSA complaints (VOQs) referenced in the Subject Petition, a list of which is provided as an attachment to this letter.

- **Subject Components:** all Brake Booster Pump Assemblies, including the integrated Brake Actuator and all other components of these assemblies, used in the Subject Vehicles.
- **Subject Customer Support Programs:** Toyota Customer Support Programs (CSP) ZJB and ZKK.
- **Subject DTCs:** Diagnostic Trouble Codes C1252, C1253, C1256, and/or C1391.
- **Toyota:** Toyota Motor Corporation, (collectively, 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, including Toyota Motor North America, Inc and Toyota Motor Sales (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, on 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 or field 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 internal malfunction of the brake booster and brake booster pump assembly in the Subject Vehicles addressed by the subject Customer Support Programs.
- **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, bulletin, 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.

This Information Request will assist my staff in evaluating the allegations in the Subject Petition and the Alleged Defect. 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 specifically identify the document (e.g., by date, title, author, and recipient or addressee(s)), 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 and model year, the number of Subject Vehicles Toyota as manufactured for sale or lease in the United States. Separately, for each Subject Vehicle, state the following:
  - a. Vehicle identification number (VIN);
  - b. Model;

- c. Model Year;
- d. Date of manufacture;
- e. Date warranty coverage commenced;
- f. Whether the vehicle was within the scope of safety recall 13V-235;
- g. The completion date for 13V-235;
- h. The completion mileage for 13V-235; 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 2010, or a compatible format, entitled "PRODUCTION DATA."

2. Provide a table summarizing the following information for each of the Subject Complaint Vehicles:
  - a. VOQ number;
  - b. Vehicle identification number (VIN);
  - c. Model;
  - d. Model Year;
  - e. Failure mileage;
  - f. Incident date;
  - g. Alleged crash (yes/no);
  - h. Alleged injuries;
  - i. Alleged deaths;
  - j. Early Warning Reporting field report (yes/no);
  - k. Toyota Customer Relations (CR) record related to the alleged incident (yes/no);
  - l. Toyota warranty claim record related to the alleged incident (yes/no);
  - m. Toyota Technical Assistance System (TAS) record related to the alleged incident (yes/no);
  - n. Toyota Field Technical Report (FTR) record related to the alleged incident (yes/no);
  - o. Event data recorder (EDR) record related to the alleged incident (yes/no);
  - p. Diagnostic trouble code C1391 (yes/no);
  - q. Diagnostic trouble code C1256 (yes/no);
  - r. Diagnostic trouble code C1252 (yes/no);
  - s. Diagnostic trouble code C1253 (yes/no); and
  - t. Toyota assessment of the cause of the incident and its potential relationship to the Alleged Defect.

Provide the table in Microsoft Access 2010, or a compatible format, entitled "DP19-004\_SUBJECT\_COMPLAINT\_SUMMARY\_TABLE."

3. Produce copies of all Documents reflecting or relating to each item within the scope of Request No. 2 (i.e., all CR, TAS, FTR, and Event Data Recorder (EDR) records related to the incidents or conditions involving the Subject Complaint Vehicles). Organize the documents in separate folders by VOQ number.

4. Provide the same information requested in Request No. 2, substituting Toyota file number for VOQ number, for all reports relating to the Alleged Defect in the Subject Vehicles (i.e., not limited to the Subject Complaint Vehicles) that a) involve an allegation of crash, injury or death; and b) involve an alleged or verified fault of the Subject Component(s) (e.g., based on finding one or more of the Subject DTC's or reproducing a fault or failure in the Subject Component(s)).

Provide the table in Microsoft Access 2010, or a compatible format, entitled "DP19-004\_ADDITIONAL\_SEVERITY\_INCIDENT\_SUMMARY\_TABLE."

5. Produce copies of all Documents reflecting or relating to each item within the scope of Request No. 4 (i.e., all CR, TAS, FTR, and EDR records related to the incidents or conditions referenced in the response to Request No. 4). Organize the documents in separate folders by VIN number.
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 repair or replacement of the Subject Components: 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, customer support program, or other such activity.

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

- a. Toyota's claim number;
- b. Vehicle owner name, email address and telephone number;
- c. VIN;
- d. Repair date;
- e. Vehicle's date of manufacture (in "yyyy/mm/dd" date format);
- 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(s);
- i. Problem code(s);
- j. Pump noise or excessive run time concern (yes/no);
- k. Diagnostic trouble code C1391 (yes/no);
- l. Diagnostic trouble code C1256 (yes/no);
- m. Diagnostic trouble code C1252 (yes/no);
- n. Diagnostic trouble code C1253 (yes/no);
- o. Replacement part number(s) and description(s);
- p. Concern stated by customer;
- q. Cause as stated on the repair order;
- r. Correction as stated on the repair order; and
- s. Additional comments, if any, by dealer/technician making the repair, and/or the person(s) processing the claim that relate to claim and/or repair.

Provide this information in Microsoft Access 2010, or a compatible format, entitled "WARRANTY DATA."



7. Provide brake performance curves comparing normal operation and operation at each relevant mode/stage of the fault conditions for: (1) the condition at issue in each of the Subject Customer Support Programs; (2) the defect condition for Recall 13V-235; and (3) the defect condition for Recall 19V-544, including:
  - a. Vehicle deceleration as a function of brake pedal force; and
  - b. Vehicle deceleration as a function of brake pedal stroke.
8. Provide a detailed description of the brake booster assembly condition addressed in each of the Subject Customer Support Programs, 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 posed by the condition;
  - e. What notice, if any, the operator and the other persons both inside and outside the vehicle would have that the Alleged Defect was occurring or progressing or that the Subject Components were malfunctioning; and
  - f. Copies of all analyses conducted by, or for, Toyota to estimate the failure rates for the brake booster assembly condition addressed in each of the Subject Customer Support Programs through 10 years/150,000 miles of service and for any other service intervals.

### **Legal Authority for This Request**

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.

### **Civil Penalties**

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.) The Vehicle Safety Act, as amended, 49 U.S.C. § 30165, provides for civil penalties of up to \$22,329 per day for violating Section 30166 or failing or refusing to perform an act required under that section, with a maximum penalty of \$111,642,265 for a related series of violations. *See* 49 U.S.C. § 30165(a)(3); 49 CFR 578.6; 84 Fed. Reg. 37059, 37061-62 (July 31, 2019) (publishing 2019 inflation adjustments to maximum NHTSA civil penalties). This includes failing to respond completely 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.

### **Confidential Business Information**

**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 DP19-004 in Toyota's response to this letter and in any confidentiality request submitted to the Office of Chief Counsel.

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 W41-326, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590. *See* 5 U.S.C. § 552(b)(4); 49 CFR §412.5; *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019). Toyota is required to **submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy containing only the portions for which no claim of confidential treatment is made and from which those portions for which confidential treatment is claimed has been redacted. See 49 CFR § 512.5.** Please remember that the phrase "ENTIRE PAGE CONFIDENTIAL BUSINESS INFORMATION" or "CONTAINS CONFIDENTIAL BUSINESS INFORMATION" (as appropriate) must appear at the top of each page containing information claimed to be confidential, and the information must be clearly identified in accordance with 49 CFR 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 requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c).

If you have any questions regarding submission of a request for confidential treatment, contact Dan Rabinovitz, Trial Attorney, Office of Chief Counsel at [daniel.rabinovitz@dot.gov](mailto:daniel.rabinovitz@dot.gov) or (202) 366-8534.

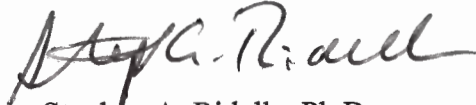
### **Due Date**

Toyota's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by **November 21, 2019**. If Toyota finds that it is unable to provide all the information requested within the time allotted, Toyota must request an extension from me at (202) 366-4703 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.

Please send email notification to Kareem Habib at [Kareem.Habib@DOT.gov](mailto:Kareem.Habib@DOT.gov) and to [ODI\\_IRresponse@dot.gov](mailto:ODI_IRresponse@dot.gov) when Toyota sends its response to this office and indicate whether there is confidential information as part of Toyota's response.

If you have any technical questions concerning this matter, please call Kareem Habib of my staff at (202) 366-8703.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen A. Ridella". The signature is fluid and cursive, with the first name "Stephen" and last name "Ridella" clearly legible.

Stephen A. Ridella, Ph.D.

Director

Office of Defects Investigation



**Subject Vehicle Complaints**

The reports cited above may be reviewed at NHTSA.gov under the following reference numbers:

11253950	11253725	11243249	11240240	11235210	11231660
11231596	11228248	11222966	11219901	11219354	11207636
11207630	11203834	11203591	11197067	11193820	11193354
11192342	11186947	11184751	11183661	11183178	11182610
11173804	11173721	11173353	11173173	11173044	11164990
11164336	11162242	11156466	11155778	11154835	11154818
11154783	11151142	11144888	11144698	11139660	11130742
11129946	11121916	11110691	11104163	11102264	11093611
10515182	11090508	11088447	11080403	11073636	11064519
11061959	11057737	11044156	11034572	11014878	11014797
11003054	10984549	10983408	10971881	10971542	10967838
10929397	10927047	10923921	10919990	10883971	10876015
10875685	10875625	10875822	10870866	10855586	10851950
10819439	10807100	10794987	10794873	10779877	10749388
10734278	10722560	10705883	10704553	10692225	10681105
10680404	10664739	10641347	10627821	10626061	10616767
10616134	10611145	10606258	10605988	10604544	10598545
10592400	10597316	10596979	10592072	10584723	10573591
10569158	10564619	10560809	10550179	10547701	10523025
10510996	10502158	10498096	11256504	11256517	11256523

NHTSA:NEF:ODI

NEF-104:KHABIB:mkm:68703:10-11-19

Cc: NVS213 chron

Document: K\NVS213\KHABIB\DP19-004 IR letter for final and K\NVS210\Mary Kay\Resumes\_IRs Sent\DP19-004 IR letter for final