INFORMATION REDACTED PURSUANT TO THE FREEDOM OF INFORMATION ACT (FOIA), 5 U.S.C. 552(B)(6)

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

1200 New Jersey Avenue SE.
Washington, DC 20590

April 6, 2021

VIA E-MAIL

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

NEF-104
PE21-005

Dear Mr. Ross:

This letter is to inform you that the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) has opened a Preliminary Evaluation (PE21-005) to investigate allegations of engine compartment fire, sudden loss of electrical power and/or vehicle stalling attributed to the 12V battery B+ terminal short-circuiting to the battery hold down frame in certain model year (MY) MY 2013-2018 Toyota RAV4 vehicles manufactured by Toyota Motor Corporation (Toyota), and to request certain information.

This office has received nine reports indicating a short-circuit of the 12V battery B+ terminal to the battery hold down frame resulting in engine compartment fire, sudden loss of electrical power, and/or vehicle stalling in the engine compartment along with eight additional reports of vehicle fires with the origin identified as the driver's side engine compartment in certain MY 2013-2018 Toyota RAV4 vehicles. A copy of each of the reports is enclosed for your information.

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

- **Subject vehicles:** all MY 2013-2018 Toyota RAV4 (XA40 platform) manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Peer vehicles:** all MY 2009-2012 Toyota RAV4 (XA30 platform), MY 2004-2019 Highlander (XU50 platform), MY 2009-2015 Venza (AV10 platform), MY 2008-2021 Sequoia (XK60 platform), MY 2011-2020 Sienna (XL30 platform), MY 2007-2011 Camry (XV40 platform) non-hybrid, MY 2013-2018 Avalon (XX40), MY 2013-2018 Corolla (E170 platform) manufactured for sale or lease in the United States, including, but not limited to, the District of Columbia, and current U.S. territories and possessions.

- **Subject components:** all battery hold down frames, trays, related mounting hardware, 12V battery leads, and 12V vehicle batteries installed in the subject and peer vehicles.

- **Alleged defect:** Contact between the 12V battery B+ terminal and the battery hold down frame.

- **Toyota:** Toyota Motor North America, Inc., Toyota Motor Corporation, and 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 January 2008, were involved in any way with any of the following related to the alleged defect in the subject and 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 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 and model year, the number of subject and peer vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each subject and peer vehicle manufactured to date by Toyota, state the following:
   a. Vehicle identification number (VIN);
   b. Make;
   c. Model;
   d. Model Year;
   e. Subject component part number(s) and design version(s) installed as original equipment;
   f. Date of manufacture;
   g. Date warranty coverage commenced; and
   h. 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. 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 any of the following: the alleged defect, thermal damage to- and/or originating from- the 12V battery or 12V battery area, and any vehicle engine compartment fires involving vehicles with a service history that includes a prior battery replacement in the subject and 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;
   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 "f," 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.

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 another 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), street address, email 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. Vehicle's history of frontal collision repair;
   h. Incident date;
   i. Report or claim date;
   j. Whether a crash is alleged;
   k. Whether a fire is alleged;
   l. Whether property damage is alleged;
   m. Number of alleged injuries, if any; and
   n. Number of alleged fatalities, if any.

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

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. Describe in detail the search methods and search criteria used by Toyota to identify the items in response to Request No. 2.

5. List, by model and model year, the overall number of vehicle fire allegations (regardless of cause), received by Toyota, or of which Toyota is otherwise aware in the subject and peer vehicles.

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 alleged defect in the subject and 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), street address, email address and telephone number;
   c. VIN;
   d. Repair date;
   e. Vehicle mileage at time of repair;
   f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
   g. Labor operation number(s);
   h. Problem code(s);
   i. Replacement part number(s) and description(s);
   j. Concern stated by customer;
   k. Cause as stated on the repair order;
   l. Correction as stated on the repair order; and
   m. Additional comments, if any, by dealer/technician relating to claim and/or repair.

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

7. Describe in detail the search methods and search criteria used by Toyota to identify the claims 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 applicable to the alleged defect in the subject and peer vehicles.

State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota on the subject and 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 and peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

8. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect or subject components in the subject and peer 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, replacement procedures for the 12V battery, external documentation or communication to aftermarket repair or service, bulletins, advisories, informational documents, training documents, and other documents or communications. Also include the latest draft copy of any communication that Toyota is planning to issue within the next 120 days.

9. Describe all assessments, analyses, tests, test results, studies (including serviceability studies/issues), surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the subject and peer 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.

10. 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 in the subject and peer vehicles. 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.

11. State the number of each of the following that Toyota has sold that may be used in the subject and peer 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:

    a. Subject components;
    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.

12. Provide any standards or design guidance (internal or external to Toyota) that were applied to the subject vehicles to account for expected variations in aftermarket battery selection and/or installation.

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 expected service life of the supplied 12V battery;
    d. Battery design, including but not limited to, the interaction between the subject components and the battery vent caps.
    e. The failure mode(s);
    f. The risk to motor vehicle safety that it poses; and
    g. 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
    h. The reports included with this inquiry.

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(a)(3), provides for civil penalties of up to $22,239 per violation per day, with a maximum of $111,642,265 for a related series of daily violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. See 49 CFR 578.6 (as amended by Fixing America's Surface Transportation Act (the "FAST Act"), Pub. L. 114-94, § 24110(a)(2), 129 Stat. 1312 (Dec. 4, 2015)) and 83 Fed. Reg. 60733, 60735 (Nov. 27, 2018). This includes failing to respond completely, accurately, and in a timely manner to NHTSA 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 PE21-005 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-100), National Highway Traffic Safety Administration, Room W41-326, 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 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 new requirements in NHTSA's Confidential Business Information Rule regarding submissions in electronic formats. *See* 49 CFR 512.6(c) (as amended by 72 Fed. Reg. 59434 (October 19, 2007)).

If you have any questions regarding submission of a request for confidential treatment, contact Daniel Rabinovitz, Trial Attorney, Office of Chief Counsel at 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 **June 4, 2021**. Toyota's response must include all non-confidential attachments and a redacted version of all documents that contain confidential information. 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) 366-5226 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 Matthew Martens at matthew.martens@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's response.

If you have any technical questions concerning this matter, please call Matthew Martens of my staff at (202) 366-2252.

Sincerely,

[redacted]

Vehicle Defects Division D
Office of Defects Investigation