

Opening Statement
Rep. Bart Stupak, Chairman
Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
“Response by Toyota and NHTSA to Incidents of Sudden Unintended Acceleration”
February 23, 2020

Ten years ago, this Committee investigated the Firestone tire recalls, which caused the deaths of dozens of people and exposed vulnerabilities in the government’s oversight and recall authority. In response, Congress quickly passed the TREAD Act which was intended to provide enhanced authority for the National Highway Traffic Safety Administration (NHTSA) to gather and analyze data from automobile manufacturers and provide an early warning system for catastrophic defects.

Now, a decade later, we face a serious auto safety problem that calls into question whether the TREAD Act is achieving the purposes we intended.

Today’s hearing will examine whether Toyota Motor Corporation and NHTSA acted in a timely fashion to address countless complaints of sudden unintended acceleration in Toyota vehicles. Sudden unintended acceleration describes a broad range of events in which a vehicle accelerates rapidly and the driver is unable to immediately slow or stop the vehicle.

Over the past several months Toyota Motor Corporation has issued two major recalls for defects associated with accelerator problems in 8 popular models. The first recall, announced in October 2009, addressed floor mats that can jam against the gas pedal causing it to be entrapped in a full-throttle position. Toyota eventually opened this floor mat recall to 4.26 million vehicles. And just last month, Toyota announced another recall for gas pedals that can stick or return slowly. Toyota’s leadership has been ambiguous about whether these two recalls fully account for and address the problem of sudden unintended acceleration.

Thousands of Toyota owners whose cars were not subject to either recall have reported to the company that their vehicle suddenly surged or accelerated to high speeds. A staff analysis of documents Toyota provided to the committee shows that roughly 70% of the sudden unintended acceleration events recorded in Toyota’s own customer call database involved vehicles that are NOT covered by the floor mat entrapment and “sticky pedal” recalls. The “fixes” Toyota has advertised for this problem do not provide much assurance to those drivers.

Our investigation has shown that Toyota repeatedly dismissed the possibility that electronic failures could be responsible for incidents of sudden unintended acceleration. At the same time, Toyota provided software upgrades to certain vehicles to ensure that in instances where the gas and brakes are both depressed, the brakes will override the gas. It seems like this software upgrade provides important safety protection, but we are left to ask what Toyota will do for the owners of its cars that cannot receive the safety upgrade.

Equally troubling is that officials at NHTSA appear to have bought into Toyota's explanation of these events. In closing investigations and in briefings of Committee staff, NHTSA has repeated Toyota's insistence that sudden unintended acceleration is caused by human error or limited mechanical problems, rather than problems in the electronics systems. NHTSA made this determination without having electrical or software engineers review the problem. One of our witnesses today will tell us how a NHTSA investigator sent to inspect her vehicle "seemed to arrive with the pre-conceived idea to sell to us that it was a floor mat problem." This begs the question of whether NHTSA is too cozy with the industry they oversee or whether they are simply stuck in a mechanical mindset rather than evolving to keep up with the new generation of electronics and computer run components.

In an attempt to quell concerns about sudden unintended acceleration, Toyota's attorneys commissioned a study titled *Testing and Analysis of Toyota and Lexus Vehicles and Components for Concerns Related to Unintended Acceleration* by a company called Exponent. Toyota has presented this preliminary report to prove that the electronic systems cannot cause sudden unintended acceleration.

However, this Committee requested independent expert assessments of the Exponent study, and these experts identified numerous shortcomings, including:

- the review did not follow sound scientific method
- major categories of testing such as electro magnetic interference and radio frequency interference were not addressed
- only 1 of the 7 vehicles used in the study was on the recall list
- the study did not examine a single vehicle that had experienced sudden unintended acceleration

It is clear that the flawed Exponent study is nowhere near adequate or a valid scientific review. Toyota owes it to their customers, the American people and the government regulators to complete a comprehensive and scientifically sound review of their electronics system.

One individual who *has* taken a close look at Toyota's electronic gas pedals is Dr. David Gilbert at Southern Illinois University in Carbondale, Illinois. Dr. Gilbert will release his interim report showing how he was able to short circuit the electronic gas pedal and mimic an unintended acceleration incident without triggering any diagnostic trouble codes in the vehicle's computer. Dr. Gilbert's report is the first study of its kind and we are fortunate to have him and Mr. Sean Kane here today to explain it.

In summary, what we have found is quite troubling. Toyota all but ignored pleas from consumers to examine sudden unintended acceleration events. They boast in a briefing of saving Toyota \$100 million by negotiating a limited recall. They claim that they first became aware of sticking pedals in late October of 2009 when in fact they had received numerous complaints many months and years earlier. They misled the American public by saying that they and other independent sources had thoroughly analyzed the

electronics systems and eliminated electronics as a possible cause of sudden unintended acceleration when in fact, the only such review was a flawed study conducted by a company retained by Toyota's lawyers.

Toyota – and NHTSA for that matter – have a lot of explaining to do to the American people, to Toyota owners and Toyota dealers. I look forward to an informational and productive hearing.