

ONE HUNDRED ELEVENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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**MEMORANDUM**

**May 18, 2010**

**To: Members of the Subcommittee on Oversight and Investigations**

**Fr: Democratic Committee Staff**

**Re: Hearing on “Update on Toyota and NHTSA’s Response to the Problem of Sudden Unintended Acceleration”**

On Thursday, May 20, 2010, at 10:00 a.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled “Update on Toyota and NHTSA’s Response to the Problem of Sudden Unintended Acceleration.” This hearing will examine what Toyota and the National Highway Traffic Safety Administration (NHTSA) have done since the Subcommittee’s February hearing to identify and address the causes of sudden unintended acceleration in Toyota vehicles.

**I. BACKGROUND**

On August 28, 2009, a widely publicized fatal crash of a Toyota Lexus in San Diego brought increased attention to the problem of sudden unintended acceleration. A passenger in the Lexus called 911 to report that the vehicle would not stop. The driver, an experienced California Highway Police Officer, was unable to control the vehicle, and it eventually crashed. All four passengers in the car were killed.<sup>1</sup>

After this crash, Toyota issued two recalls relating to acceleration and accelerator pedals. The first, a recall of floor mats, was announced in October 2009 and widened in November 2009 to include 4.26 million cars.<sup>2</sup> The second, issued on January 21, 2010, recalled pedals that can become “sticky” and fail to return to idle. It affected 2.3 million vehicles.<sup>3</sup> After the January

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<sup>1</sup> *Toyota’s runaway-car worries may not stop at floor mats*, Los Angeles Times (Oct. 18, 2009).

<sup>2</sup> *Data point to Toyota’s throttles*, Los Angeles Times (Nov. 29, 2009).

<sup>3</sup> *Doubt cast on Toyota’s decision to blame sudden acceleration on gas pedal defect*, Los Angeles Times (Jan. 30, 2010).

2010 recall, Toyota took the unusual step of stopping sales and production of eight models involved in the recall, including the two most popular sedans in the U.S. market, the Camry and the Corolla.

According to data compiled by NHTSA and presented in congressional testimony on March 2, 2010, 52 people have died in the past decade in 43 crashes alleged to have been caused by sudden unintended acceleration events in Toyota vehicles.<sup>4</sup>

## II. THE ROLE OF ELECTRONICS IN SUDDEN UNINTENDED ACCELERATION

On February 23, 2010, the Subcommittee held a hearing to examine how Toyota and NHTSA had responded to consumer complaints of sudden unintended acceleration. The Subcommittee considered testimony and documents that raised questions about whether Toyota and NHTSA had thoroughly investigated problems with the electronic throttle control system as a possible cause of sudden unintended acceleration. Dr. David Gilbert, a professor of automotive technology at Southern Illinois University, testified that he was able to induce a sudden unintended acceleration event in a Toyota vehicle without the vehicle's computer recording the event through a diagnostic trouble code.

At the hearing, Chairman Waxman asked Toyota Motor Sales U.S.A. President Jim Lentz whether he believed that the recalls addressing mechanical defects – namely, a recall to address floor mat entrapment of accelerator pedals and a second recall to fix accelerator pedals that become stuck in a partially depressed position – would solve the problem of sudden unintended acceleration. Mr. Lentz replied, “Not totally.” Mr. Lentz noted that Toyota “continue[s] to test” its electronic throttle control system in collaboration with the consulting firm Exponent and with its own engineers in Japan.

Two weeks after the Subcommittee's hearing, Toyota's engineering consulting firm, Exponent, released a study designed to refute Dr. Gilbert's expert testimony and discredit his conclusion that Toyota's electronic throttle control system could play a role in sudden unintended acceleration events.<sup>5</sup> For this report, Exponent did not conduct a comprehensive examination of Toyota's electronic throttle control system to identify potential flaws; rather, Exponent focused its report entirely on a critique of Dr. Gilbert's experiment. Toyota and Exponent released this report via a “webinar” on March 8, 2010.<sup>6</sup>

In March, NHTSA announced two studies designed to answer questions about sudden unintended vehicle acceleration and the role of electronics.<sup>7</sup> The National Academy of Sciences

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<sup>4</sup> *Toyota sudden acceleration tied to 43 fatal crashes*, Bloomberg News (Mar. 2, 2010).

<sup>5</sup> Exponent, *Evaluation of Dr. Gilbert's Demonstration* (Mar. 8, 2010).

<sup>6</sup> Toyota, *Comprehensive Analysis Raises Concerns About Gilbert Congressional Testimony*, ABC News Segment (Mar. 8, 2010) (webinar available online at <http://pressroom.toyota.com/pr/tms/electronic-throttle-control-154300.aspx>).

<sup>7</sup> U.S. Department of Transportation, *U.S. Transportation Secretary Ray LaHood Announces Major Investigations to Resolve Issue of Sudden Acceleration* (Mar. 30, 2010).

plans to examine unintended acceleration and electronic vehicle controls across the entire automotive industry. Separately, NHTSA asked NASA engineers with expertise in areas such as computer controlled electronic systems, electromagnetic interference and software integrity to review the issue of unintended vehicle acceleration in Toyota vehicles.

This hearing will examine whether Toyota and NHTSA have taken adequate steps since the February hearing to investigate and understand the role of electronics in sudden unintended acceleration.

### **III. WITNESSES**

The following witnesses have been invited to testify:

**The Honorable David L. Strickland**  
Administrator  
National Highway Traffic Safety Administration

**James E. Lentz**  
President and Chief Operating Officer  
Toyota Motor Sales, U.S.A., Inc.