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JOE BARTON, TEXAS
RANKING MEMBER

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 5, 2010

Mr. James E. Lentz
President and Chief Operating Officer
Toyota Motor Sales, U.S.A., Inc.
19001 South Western Avenue
Torrance, CA 90501

Dear Mr. Lentz:

On February 23, 2010, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce held a hearing entitled "Response by Toyota and NHTSA to Incidents of Sudden Unintended Acceleration." We appreciate the testimony you provided during that hearing.

A key issue at the hearing was whether Toyota has adequately investigated the possibility that electronic defects may be causing sudden unintended acceleration. Chairman Waxman asked you whether you believed that the floor mat and "sticky pedal" recalls would solve the problem of sudden unintended acceleration in Toyota vehicles, and you replied: "not totally." You also stated that Toyota "continue[s] to test" its electronic throttle control system in collaboration with the consulting firm Exponent, Inc. and with its own engineers in Japan.

The day after your appearance, Toyota Motor Sales issued a press release entitled "Clarification of Testimony Regarding Effectiveness of Recalls" in which the company insisted that "extensive testing" made it "confident that no problems exist with the electronic throttle control system in [its] vehicles." The same day, in testimony before the House Committee on Oversight and Government Reform, Toyota Motor Corporation President Akio Toyoda testified that he is "absolutely confident that there is no problem [] with the design" of Toyota's electronic throttle control system because "very rigorous testing" conducted by Toyota and the National Highway Traffic Safety Administration (NHTSA) had identified "no problem" or "malfunction." On February 28, 2010, in a full page advertisement in *The Washington Post*, you stated that Toyota's floor mat and "sticky pedal" recall "solutions are effective and durable," and that you "are confident that no problems exist with [Toyota's] electronic throttle control system."

We do not understand the basis for Toyota's repeated assertions that it is "confident" there are no electronic defects contributing to incidents of sudden unintended acceleration. We wrote you on February 2, 2010, to request "all analyses or documents that substantiate" Toyota's

claim that electronic malfunctions are not causing sudden unintended acceleration. The documents that Toyota provided in response to this request did not provide convincing substantiation. We explained our concerns about the failure of Toyota to substantiate its assertions in our letter to you on February 22, 2010.

After we sent our letter on February 22, Toyota provided a few additional documents to the Committee early in the morning on the day of the hearing. Several of these documents were written in Japanese. While some of these documents appear to contain preliminary fault analyses that could be used in planning a rigorous study of potential causes of sudden unintended acceleration, not one of them suggested that such a rigorous study had taken place. As we explained in our February 22 letter, the only document Toyota has provided to the Committee that claims to study the phenomenon of sudden unintended acceleration in a comprehensive way is an interim report from the consulting firm Exponent, Inc. This report has serious deficiencies, as we explained in our February 22 letter.

Indeed, Exponent acknowledged some of the limitations of its own work in a February 23, 2010, letter to the Committee. The letter stated: "It is important to note that at this stage of our work, we neither claim to have looked at all the issues, nor to have opined on the cause of the incidents of unintended acceleration that have been reported. We agree that further work needs to be performed before we reach such opinions and further work is underway."[1]

It may be that Toyota has done "extensive" and "very rigorous" testing of its vehicles for electronic defects. But if so, the results of this testing should have been provided to the Committee. Despite our repeated requests, the record before the Committee is most notable for what is missing: the absence of documents showing that Toyota has systematically investigated the possibility of electronic defects that could cause sudden unintended acceleration.

To assist the Committee in its investigation of these matters, we ask that you identify the official or officials who have personal knowledge of Toyota's efforts to test its vehicles for electronic defects that could cause sudden unintended acceleration and make them available to the Committee for transcribed interviews next week.

We also request that Toyota provide the Committee with quarterly reports detailing any allegations of sudden unintended acceleration in Toyota vehicles. These reports should include the model and year of the vehicle; whether the vehicle is subject to a floor mat or "sticky pedal" recall; the date of any inspection or repair of the vehicle pursuant to a floor mat or "sticky pedal" recall; a brief description of any inspection or repair made pursuant to such a recall; the date of the alleged sudden unintended acceleration incident; whether a crash, injury, or fatality occurred; the manner in which Toyota learned of the incident (e.g., through its customer complaint call-in

[1] Letter from Paul R. Johnston, Ph.D., President and Chief Executive Officer, Exponent, Inc., to Rep. Henry A. Waxman and Rep. Bart T. Stupak (Feb. 23, 2010).

line, a warranty claim, notice from NHTSA, a lawsuit, a dealer, or some other means); and all follow-up by Toyota. We request that these reports be in electronic, sortable, and searchable format. We ask that we receive a report by March 15, 2010, for the period from October 1, 2009, through December 31, 2009; by April 30, 2010, for the period from January 1, 2010, through March 31, 2010; by July 30, 2010, for the period from April 1, 2010, through June 30, 2010; and by October 29, 2010, for the period from July 1, 2010, through September 30, 2010.

Your testimony before the Committee also raised questions about Toyota's use of existing technology to prevent or detect sudden unintended acceleration caused by an electronic defect. Please clarify this testimony by providing Committee staff with the following information by March 12, 2010:

1. You stated in response to questioning by Subcommittee Chairman Stupak that Toyota will install brake override technology in all of its vehicles "with the exception of maybe one vehicle by the end of this calendar year." In addition, you testified that Toyota would retrofit some its existing models with this safety technology. You added that "the feasibility of the unit" and whether or not computer chips were "rewritable" would govern whether older vehicles would receive this safety upgrade. Please clarify the status of brake override installation in Toyota vehicles by answering the following questions:

   a. Which new models will include brake override technology?

   b. Which new models, if any, will not include brake override technology?

   c. Which older vehicle models will be retrofitted with brake override technology?

   d. If Toyota intends to add brake override technology to any older vehicle models not currently included in pending recalls, how will Toyota ensure that this retrofitting occurs?

   e. When will the retrofitting begin, and when do you anticipate its completion?

   f. For all new or older vehicle models that have an electronic throttle control system and that will not have brake override technology, please explain why Toyota cannot, or will not, provide this safety upgrade.

2. You stated in response to questioning by Chairman Emeritus Dingell that data stored in event data recorders, or "black boxes," in Toyota vehicles is readable by non-Toyota personnel via "prototypes," one of which is available in the United States today and 100 of which will be available by April of this year. A February 28, 2010, report in the *Los Angeles Times*, however, cites Toyota personnel as stating that Toyota is "not capable of retrieving data from 2010 Camrys." Please clarify by answering the following questions:

a. What data is retrievable from Toyota vehicles that currently contain black boxes? Please identify all models and years that are outfitted with black boxes, and please specify how, if at all, the retrievable data differs among models.

b. Are first responders and public safety officials, such as NHTSA staff, trained and permitted to access data within black boxes in Toyota vehicles?

c. Does Toyota provide vehicle owners or their representatives access to the data, and if not, why not?

d. Is the black box data accessible by Toyota personnel different from the information available to government officials or Toyota drivers? If so, please specify and explain.

e. Where and for how long does Toyota store data downloaded from black boxes?

An enclosure provides information about transcribed interviews before the Committee. Please notify Committee staff immediately if the only officials with personal knowledge of Toyota's electronic testing will require translation services to participate in an interview. If you have any questions regarding these requests, please contact Anne Tindall with the Committee staff at (202) 226-2424.

Sincerely,

Henry A. Waxman
Chairman

Bart Stupak
Chairman
Subcommittee on Oversight and Investigations

Attachment

cc: The Honorable Joe Barton
Ranking Member

The Honorable Michael C. Burgess
Ranking Member
Subcommittee on Oversight and Investigations