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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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March 3, 2010

The Honorable Raymond H. LaHood  
Secretary of Transportation  
U.S. Department of Transportation  
1200 New Jersey Ave., SE  
Washington, D.C. 20590

Dear Secretary LaHood:

Per our conversation about the need to implement overlapping safety systems to protect Americans from automotive failures including incidents of unintended acceleration, I urge you to begin consultations with auto safety experts, including representatives from the Society of Automotive Engineers, about the most appropriate way to implement industry-wide standards. Such consultations should shed light on the most productive way forward – whether through voluntary implementation, regulation, or legislation.

As you know, the Oversight and Government Reform Committee has been investigating reported incidents of sudden unintended acceleration (SUA) in Toyota vehicles. As part of this investigation, we have learned that Toyota has identified two potential causes of surging Toyota vehicles, through the “sticky pedal” and “pedal entrapment” recalls. In order to address continued customer concerns for safety, Toyota announced at our hearing on Wednesday, February 24, 2010, that it will be installing brake override technology in all vehicles produced in the 2011 model year, and on all recalled vehicles where such a modification is technically possible.<sup>1</sup> This technology would allow the brakes to override the accelerator when drivers inadvertently depress the brake pedal at the same time as the accelerator.

However, based on information turned over to the Committee by State Farm Insurance Company, Toyota is not the only vehicle manufacturer who has a significant number of complaints relating to SUA events.<sup>2</sup> Moreover, according to analysis of Early Warning Data (EWD) provided by NHTSA, “Toyota has not reported the most speed

<sup>1</sup> Justin McCurry, *Toyota to Fix Brake-Override System In All Future Models*, THE GUARDIAN, Feb. 17, 2010.

<sup>2</sup> Letter from Alan Maness, Associate General Counsel, State Farm Mutual Automobile Insurance Company to the Honorable Edolphus Towns, Chairman, House Oversight and Government Reform Committee (Feb. 19, 2010).

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control deaths and injuries in EWR [early warning reports] nor does Toyota have the highest rate of speed control deaths and injuries.”<sup>3</sup> Therefore, it appears that SUA events are not limited to vehicles produced by Toyota Motor Company. The Committee understands that a manufacturer cannot guarantee a vehicle will never experience unintended acceleration; however, it is our understanding that a brake override system or similar fail-safe could play an important role in limiting the number of these incidents. Accordingly, the remedy of a brake override system should not be limited to Toyota products alone – an industry-wide solution is necessary.

In preparation for efforts to address these problems, I request that NHTSA respond to the following questions related to possible industry wide standard or regulation for brake override technology:

1. Please identify the automobile manufacturers who would have the current technological capacity to install brake override systems on all of their vehicles starting in 2011.
2. Has NHTSA or the Department of Transportation conducted any analysis of the economic impact of such standards or regulations? If NHTSA or the Department of Transportation pursued these standards or regulations, what economic analysis would be conducted prior to issuing the standard or regulation?
3. Has the Department or NHTSA conducted any analysis of SUA events in other manufacturers? If so, please provide the Committee with any analysis or data relating to SUA events in other manufacturers.
4. Does the Department believe that overlapping electronic safety systems, such as a brake override, would have a significant impact on safety? What percentage of manufacturers and vehicles would remain unaffected by new regulations or standards based on their current design?

Your prompt response is appreciated. If you have any questions regarding this request, please feel free to contact me.

Sincerely,



Darrell Issa  
Ranking Member

cc: The Honorable Edolphus Towns, Chairman  
David Strickland, Administrator, National Highway Traffic Safety Administration

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<sup>3</sup> Internal Memorandum from NHTSA, “Analyses of EWR Data for Sudden Acceleration, 3<sup>rd</sup> Q, 2009.”