

Chris

# TOYOTA

**Toyota Motor Engineering & Manufacturing North America, Inc.**

Vehicle Safety & Compliance  
Liaison Office  
Mail Code: S-104  
19001 South Western Avenue  
Torrance, CA 90501

October 13, 2011

Mr. Frank Borris, Director  
Office of Defects Investigation  
National Highway Traffic Safety Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Re: NVS-213cla; EA11-001.02

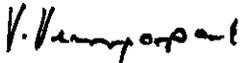
Dear Mr. Borris:

On behalf of Toyota Motor Corporation, this letter is being sent in response to your August 9, 2011 letter regarding EA11-001.02, a peer vehicle inquiry. Enclosed you will find the complete response and two CD-ROM's with the attachments for your convenience.

Please be aware that a number of the attachments provided with this response contain confidential and proprietary business information. Therefore, Toyota is submitting a request to NHTSA's Office of Chief Counsel for a determination that those materials are entitled to confidential treatment pursuant to 49 CFR Part 512 and Exemption 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

Should you have any questions about this response, please contact me at (310) 468-8551.

Sincerely,



Vinnie Venugopal, General Manager  
Toyota Motor Engineering & Manufacturing North America, Inc.

VV:tk  
Enclosure

OCT 14  
2011 SEP 4 P 5:13  
OFFICE OF DEFECTS & INVESTIGATIONS

1. State, by model and model year, the number of subject peer vehicles Toyota has manufactured for sale or lease in the United States. Separately, for each peer vehicle manufactured to date by Toyota, state the following:
- Vehicle identification number (VIN);
  - Make;
  - Model;
  - Model Year;
  - Date of manufacture;
  - Brake System Type (ABS, Traction Control, Both);
  - Date warranty coverage commenced; and
  - 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 2003, or a compatible format, entitled "PRODUCTION DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

**Response 1**

Based on discussions with the agency, "subject peer vehicles" for the Information Request has been defined as MY 2000 – 2003 Tundra vehicles and MY 2001 – 2003 Sequoia vehicles. The number of the subject peer vehicles manufactured for sale or lease in the United States by model year is as follows:

Model	Model Year	Total
Tundra	2000	126,029
	2001	92,746
	2002	110,377
	2003	113,197
Sequoia	2001	55,135
	2002	78,187
	2003	68,289
Total		643,960

In addition, the detailed information responsive to "a" through "h" is provided electronically on CD-ROM in Microsoft Access 2000 format entitled "PRODUCTION DATA (EA11-001.02).mdb" stored in the folder "Attachment-Response 1."

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, the alleged condition in the subject 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, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a peer vehicle, property damage claims, consumer complaints, or field reports;
  - d. Reports involving a fire, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by a possible defect in a peer vehicle, property damage claims, consumer complaints, or field reports;
  - e. Property damage claims; and
  - f. Third-party arbitration proceedings where Toyota is or was a party to the arbitration; and
  - g. Lawsuits, both pending and closed, in which Toyota is or was a defendant or codefendant.

For subparts "a" through "e" 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 "g," 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 "f" and "g", 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.

## **Response 2**

The number of reports which relate to, or may relate to, the alleged condition in the subject peer vehicles is provided electronically on CD-ROM in Microsoft Excel 2003 format entitled "Total Count for Reports.xls" stored in the folder "Attachment-Response 2." Reports which do not specifically contain an allegation of brake failure due to a leaking metallic brake line but which describe a leaking brake line likely caused by a crash are included. Multiple incidents involving the same vehicle or multiple reports of the same incident are counted separately; therefore duplications are reported.

For items "c" through "g", information is also provided, where available, in "Total Count for Reports.xls."

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 other 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), 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. Incident date;
  - h. Report or claim date;
  - i. Whether a crash is alleged;
  - j. Whether a fire is alleged;
  - k. Whether property damage is alleged;
  - l. Number of alleged injuries, if any; and
  - m. Number of alleged fatalities, if any.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "REQUEST NUMBER TWO DATA." See Enclosure 1, Data Collection Disc, for a preformatted table that provides further details regarding this submission.

### **Response 3**

The information "a" through "m" for each item identified in response to Request No. 2, where available, is provided electronically on CD-ROM in Microsoft Access 2000 format entitled "REQUEST NUMBER TWO DATA (EA11-001.02).mdb" stored in the folder "Attachment-Response 3".

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.

### **Response 4**

Documents related to each item within the scope of Request No. 2 are provided electronically on CD-ROM in Microsoft Excel 2003, or PDF format stored in the folder "Attachment-Response 4." The consumer complaints are stored in the sub-folder "Consumer Complaint." Documents for the injury and property damage matters are stored in the sub-folder "Notices and Claims".

5. 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 condition in the subject peer vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements;

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) 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;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "WARRANTY DATA." See Enclosure 1, Data Collection Disc, for a pre-formatted table that provides further details regarding this submission.

### **Response 5**

The total number of warranty claims, extended warranty claims, and claims for good will services paid by Toyota for the subject peer vehicles that relate to, or may relate to, the alleged condition in the subject peer vehicles is provided electronically on CD-ROM in Microsoft Excel 2003 format entitled "Total Count for Claims.xls" stored in the folder "Attachment-Response 5". The requested information for each claim, where available, is also provided electronically on CD-ROM in Microsoft Access 2000 format entitled "WARRANTY DATA (EA11-001.02).mdb" stored in the folder "Attachment-Response 5."

6. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 5, 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, and problem code descriptions applicable to the alleged condition in the subject peer vehicles. State, by make and model year, the terms of the new vehicle warranty coverage offered by Toyota

on the 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 peer vehicles and state by option, model, and model year, the number of vehicles that are covered under each such extended warranty.

### **Response 6**

The search criteria used by Toyota to identify the claims identified in response to Request No. 5 is as follows:

Toyota searched the warranty database for those claims that replaced any of the parts identified in the Microsoft Excel file entitled "Search Criteria, Operation & Problem Codes.xls" stored in the folder "Attachment-Response 6" on CD-ROM. Each warranty claim condition, cause, and remedy description was then reviewed to determine whether it was responsive to the request. A list of all labor operations, labor operation description, problem codes and problem code descriptions identified in these warranty claims are also provided in the same Microsoft Excel file described above.

The terms that Toyota offers for new vehicle warranty coverage on the subject peer vehicles are as follows:

#### For the metallic brake lines

36 months or 36,000 miles from the vehicle's date-of-first-use, whichever occurs first.

There are some extended warranty coverage options that Toyota offered for purchase with the subject vehicles. Detailed information about these options is provided electronically on CD-ROM, in PDF format, entitled "Extended Warranty Option.pdf" stored in the folder "Attachment-Response 6."

The number of vehicles that are covered under each such extended warranty option, by option, model, and model year is provided as "Attachment-Response 6-1." Please note that this "Attachment-Response 6-1" contains trade secret and commercial information; therefore, Toyota believes that this document should be afforded confidential treatment. A request for confidential treatment of this document has been sent to the Office of Chief Counsel. A public version of this document is included with this response.

7. 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, fluid leaks from metallic brake lines in which brake line corrosion was identified as a factor in the subject peer vehicles: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements;

Separately, for each such claim, state the following information:

- a. Toyota's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) 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;
- h. Problem code;
- i. Replacement part number(s) and description(s);
- j. Concern stated by customer; and
- k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "WARRANTY CORROSION DATA." See Enclosure 1, Data Collection Disc, for a preformatted table that provides further details regarding this submission.

### **Response 7**

The total number of warranty claims, extended warranty claims, and claims for good will services paid by Toyota for the subject peer vehicles that relate to, or may relate to, the alleged condition in which brake line corrosion was identified as a factor is provided electronically on CD-ROM in Microsoft Excel 2003 format entitled "Total Count for Corrosion Claims.xls" stored in the folder "Attachment-Response 7". The requested information for each claim, where available, is also provided electronically on CD-ROM in Microsoft Access 2000 format entitled "WARRANTY CORROSION DATA (EA11-001.02).mdb" stored in the folder "Attachment-Response 7."

8. Describe in detail the search criteria used by Toyota to identify the claims identified in response to Request No. 7, 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, and problem code descriptions applicable to the alleged condition in the peer vehicles. State, by make and

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

### **Response 8**

Please see Response to Request No. 6 above.

9. Separately, for each model and model year subject peer vehicles, list and describe the composition of the brake lines installed on the subject peer vehicles. The description shall include the materials composition of the brake line beneath the exterior coating(s) on the brake line, including the make(s) or type(s) of coating treatment(s) / paint layer(s), *i.e.* Galfan, Nygal, applied to the brake lines. Identify (name and address) of the suppliers of the brake lines.

### **Response 9**

Toyota has summarized the composition of the brake lines installed on the subject peer vehicles in "Attachment-Response 9." Please note that the information included in the "Attachment-Response 9" is confidential, and a request for confidential treatment has been submitted to the Office of Chief Counsel. A public version of "Attachment-Response 9" is included with this response to your office, provided on CD-ROM stored in the folder "Attachment-Response 9." Please see the Office of Chief Counsel for the confidential version of this document.

10. If the make(s) or type(s) of coating treatment(s) / paint layer(s) applied to the brake lines described in the previous question changed during the manufacture of the subject peer vehicle(s), separately, for each model and model year subject peer vehicles, provide a list of changes and a description of the reason(s) why a change was made.

### **Response 10**

Please see "Attachment-Response 9."

11. State whether the supplier(s) of the subject components in the subject peer vehicles provided any quality control test reports, lab reports, or reports of a similar nature, analyzing the composition, *e.g.* "in-melt" analysis of the coating of the subject components, to Toyota. If so, provide a copy of any report(s).

**Response 11**

Toyota has not located any information responsive to this request.

12. Provide a copy of Toyota's internal standard(s) or specification(s) on line composition and brake line external coating composition, including thickness.

**Response 12**

Toyota provides its internal standards for the brake line composition as "Attachment-Response 12-1" and its standards for each material noted in Attachment-Response 9 as "Attachment-Response 12-2" through "Attachment-Response 12-5." Please note that the information of these "Attachment-Response 12-1" through "Attachment-Response 12-5" is confidential, and a request for confidential treatment has been submitted to the Office of Chief Counsel. A public version of "Attachment-Response 12-1" through "Attachment-Response 12-5" is included with this response to your office, provided on CD-ROM stored in the folder "Attachment-Response 12." Please see the Office of Chief Counsel for the confidential version of this document.

13. State Toyota's specifications, *i.e.* Vehicle Technical Specifications or VTS, regarding the corrosion resistance of the subject components and its designed life expectancy. Describe the environment for which the specifications are designed. Provide a copy of any specification(s).

**Response 13**

Toyota provides its internal engineering standards regarding corrosion resistance of the subject components in "Attachment-Response 13." Please note that the July 2007 version of the standard is being provided, as the version used during development of the subject peer vehicles is not available; however, the specifications for brake line components were the same. In addition, the standard applies to components other than brake lines, and the portions of the standard unrelated to the subject components have been redacted. Because "Attachment-Response 13" contains trade secret and commercial information; Toyota believes that this document should be afforded confidential treatment. A request for confidential treatment has been submitted to the Office of Chief Counsel. A public

version of "Attachment-Response 13" is included with this response to your office, provided on CD-ROM stored in the folder "Attachment-Response 13." Please see the Office of Chief Counsel for the confidential version of this document.

14. Provide the specification contained in the contract, purchase document, or other similar document(s) with the brake line supplier(s) related to:
- a. the thickness of the brake line(s);
  - b. the composition of the brake lines;
  - c. the composition of the brake line coating(s); and
  - d. the specifications related to the corrosion resistance of the brake line(s).

**Response 14**

Please see response to Items No.9 and No. 13 above. Toyota has not located any contract or purchase documents with the information responsive to this request.

15. Provide a drawing / diagram of the brake line system in the subject peer vehicles that identifies the general layout of the major brake components in relation to the subject peer vehicle.

**Response 15**

Toyota provides diagrams which show the general layout of the major brake components and the brake lines in the subject peer vehicles. Please see "Attachment-Response 15."

\* \* \*

Based on discussions with the agency, data in this document for Tundra models is provided for the time period up to November, 2009. Data provided in this document for Sequoia models is current as of the following dates:

	Response	Dates
Response 1	Production Data	09/22/2011
Response 2 - 4	Consumer Complaints	09/07/2011
	Field Reports	09/19/2011
	TAS Reports	09/19/2011
	Legal Notices and Claims	09/07/2011
	Lawsuits	09/07/2011
Response 5 - 8	Warranty claims	09/14/2011
	Goodwill	09/19/2011
	Extended warranty claims	09/19/2011

\*\*\*\*\*

In the foregoing responses to this Information Request ("IR"), information has been obtained from those departments and employees knowledgeable about the subject matter of this inquiry most likely to have such information in the regular and ordinary course of business. When a particular Request seeks "documents" as defined in the IR, reasonable, good faith searches have been made of corporate records where such documents would ordinarily be expected to be found and to which Toyota would ordinarily refer when looking for such information.

The definitions of "documents" and "Toyota", however, are unreasonably broad, vague, and ambiguous, and Toyota objects to such definitions, because they exceed a reasonable understanding of such terms. For example, "calendars", "travel reports", "contracts" and "personnel records", to name a few, would not normally contain responsive information pertaining to the alleged condition subject of this inquiry. Toyota has also not provided information from electronic files that require extraordinary or expert means to retrieve that are generally unavailable to the computer user.

In addition, Toyota has not provided information from persons or entities over which it does not ordinarily exercise control, such as independent suppliers and contractors. Toyota also objects to the definition of "Toyota" to the extent it purports to include outside counsel. It would be unduly burdensome to require Toyota to request that outside counsel search files for responsive documents. Moreover, it is highly unlikely that outside counsel would possess any non-privileged documents responsive to this IR that are not already being produced by Toyota. In light of the significant burden and cost associated with canvassing outside counsel for potentially responsive documents and the very low probability of identifying any non-privileged document not already being produced, Toyota has not asked its outside counsel to search for responsive documents.

Toyota understands this IR to seek information on vehicles manufactured for sale in the United States and its territories. Also, we understand documents specifically related to the preparation of the responses are not sought.

The source of information used as a basis for the data in each Attachment, including the date the data were updated and retrieved, is identified above as applicable. If a document itself is the source for the requested information and it is provided, no further source identification is provided. If a document, drawing or component is requested, or if no responsive information is available, we assume no further source identification is called for.

Toyota is not providing privileged documents that may be responsive to this Information Request. With regard to claims of privilege, Toyota understands that it is acceptable to the Agency for Toyota to identify specific categories of privileged documents rather than any specific document within those categories. These categories include: (a) communications between outside counsel and employee's of Toyota's Law Department, other Toyota employees, or employees of parties represented by Toyota in litigation and claims; (b) communications between employees of Toyota's Law Department and other Toyota employees, or employees of parties represented by Toyota in litigation and claims; (c) notes and other work product of outside counsel or of employees of Toyota's Law Department , including work product of employees or consultants done for or at the request of outside counsel or Toyota's law Department. For any privileged documents that are not included in these categories, if any, Toyota will provide a privilege log identifying any such document under separate cover. Toyota is not claiming a legal privilege for any documents provided with this response; however, Toyota does not waive the legal privilege or work-product protection with respect to other documents that may have been prepared in connection with a specific litigation or claim. In addition, Toyota may assert the attorney-client privilege or claim protection under the work-product protection for analyses or other documents that may be prepared in connection with litigation or claims in the future.

Toyota understands that NHTSA will protect any private information about persons that is contained in the Attachments to this response, based on privacy considerations. Such private information includes data such as names, addresses, phone or fax numbers, email addresses, license plate numbers, driver's license numbers and the last 6 digits of a vehicle's VIN.