BusinessWeek

WALLACE'S WORLD

BusinessWeek: Dragging Toyota Through the Media Muck

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February 9, 2010, 7:04PM EST

BusinessWeek

http://www.businessweek.com/lifestyle/content/feb2010/bw2010029_528234.htm?campaign_id=yhoo

The Toyota recall is not as serious or dramatic as the media, tort lawyers, and its competitors make it out to be, writes Ed Wallace

• "This [Prius] [has] an acceleration that goes wild, but only under certain conditions of cruise control…. It's in the software; it's not a bad accelerator pedal." —Apple co-founder Steve Wozniak to Dana King at the Discovery Forum, Feb. 1.

• Wozniak to CNN's Wolf Blitzer: "Oh well, it's a big hoax. The media is portraying me as saying, 'Oh, I'm worried about the problem. What they have been recalled for is really a software problem.' I haven't really said those things. What I said is, 'my Prius has a totally different, unrelated problem.'" —CNN Transcripts, The Situation Room, Feb. 2.

• "Apple co-founder Steve 'the Woz' Wozniak got a $700 ticket for going 105 mph in a Prius back on Mar. 28, 2007. When asked, Woz playfully denied the charges. 'Not true,' Wozniak replied, '104 mph.' —Autoblogreen, San Jose Mercury News.

The U.S., like much of the industrialized world, is currently enjoying a media feeding frenzy over cases of unintended acceleration in Toyota-made vehicles. No one knows whether the ultimate culprit will be ill-fitting floor mats, gas pedals manufactured by CTS, or drive-by-wire software that develops a mind of its own, possibly dooming occupants to swift, untimely death. But Toyota's (TM) problem is far worse than a media circus.

No, Toyota is being torn apart by the U.S. inability to gauge real risk in our lives. This shortcoming gives rise to irrational fears and now it's spawning anecdotal "stories"—all making it seem ominously possible that certain Toyota models could suddenly accelerate in a way that drivers will not able to control.

Welcome to the dark side of Americans' fascination with our uniquely automotive society. We've been here before.

START WITH OVERKILL

Toyota finds itself in the mud with subjects of earlier media exposés. There were the Audi 5000's unintended accelerations in 1986, General Motors' exploding side-saddle gas tanks in more than 10 million pickups built between 1973 and 1987, Ford's (F) exploding rear gas tanks in the Crown Vic during the 1990s, Jeeps that roll over during low-speed turns (first brought to national attention by 60 Minutes in 1980), and the Ford-Firestone rollover debacle in 2000. Who can forget Consumer Reports' having literally destroyed Suzuki in 1996 with charges of rollover potential in the Samurai, then years later doing the same to the Isuzu Trooper?

It should be noted that on the day Consumer Reports suggested that the Trooper was inherently unsafe, the National Highway Traffic Safety Administration made the point that not one Isuzu Trooper had rolled over anywhere in the U.S. As Isuzu quickly found out, unsubstantiated scare headlines will always trump engineering and real-world facts.

In one respect the current Toyota fiasco differs little from last year's swine flu hysteria. The only voices countering the alarmism were those who knew the historical details of true pandemics such as the Spanish Influenza that swept the world during World War I. They recognized that H1N1 swine flu fell far short in lightning transmission or lethality. The World Health Organization says that as of Jan. 31, only 15,174 individuals had died from swine flu worldwide. That's less than half the CDC's estimated 35,000 deaths from seasonal flu in the U.S. annually.

We all sympathize with the families of those who died from swine flu. But hysterical warnings about its mortal danger to the nation were overblown.

FIRST, AN UNFORGETTABLE FATALITY

In order for a small number of incidents to grow into a national frenzy, the first fatal case typically gives the problem a personal face. For Toyota it was the tragic death of a 19-year California Highway Patrolman; last August, Mark Saylor and his wife, daughter, and brother-in-law were killed in a Lexus dealer-owned loaner near San Diego.

This case also shows how the reporting of incidents like these evolves. The public will always remember the original speculation, but few of the final facts.

At first, the San Diego Union-Tribune legitimately asked how a gas pedal could become trapped by a floor mat. After that potential problem was discovered, Toyota's 2007 and 2008 recalls should have resolved it. But it turns out that this particular Lexus ES 350 did not contain the new mats. **According to the report released by NHTSA, the vehicle instead had larger floor mats made to fit a Lexus RX crossover. Worse, Lexus managers have relayed that in a conference call on that case, a Toyota official informed them that those mats were placed in the vehicle face down.** That's not uncommon in dealerships that offer loaner cars. (John Hanson, a safety spokesman with Toyota, last week said that he was not aware of "the floor mats' being put in upside down." He promised to verify or refute the report, but as of this writing has not.)

The NHTSA report also shows heat damage to the brake system on Saylor's Lexus, which would seem to rule out nonfunctioning brakes. In a further Union-Tribune story, the sheriff's report implied that part of the floor mat appeared to be covering part of the vehicle's gas pedal. The newspaper also reported that an eyewitness "said she passed the car, then saw in her rearview mirror that it was pulling over to the right shoulder." Then the car apparently accelerated past her, leading to the fatal crash. **At one point, then—if the eyewitness is correct—Saylor was starting to get control of the car.**

Why didn't Saylor put the vehicle into neutral to negate the effect of the racing engine? There's further speculation that it might not have been possible; Expert Witness Services' Daniel Vomhof III suggested that a failure in the electronic software system might prevent a driver from shifting the car into neutral, but it's unlikely.

That's the problem with open speculation: It's a legitimate way to study an issue, but it doesn't become fact until the engineering studies are complete.

As for the likelihood that the braking system could not have stopped Saylor's Lexus, given its acceleration, the staff at Car & Driver examined the speculation for the upcoming March issue. The story shows that the Camry's brakes "can easily overcome all 268 horsepower" put out by its engine at full throttle and it adds that doing so takes "just 16 feet longer [distance] than with the Camry's throttle closed." Car & Driver did point out that in spite of the cars' successful brake performances in its tests, Toyota has not installed software code that would order the throttle to shut down if braking pressure were applied.

It's a fair bet that Toyota will address that redundant safety measure soon.

A PERFECT STORM OF WRONG MOVES?
Based on the facts known about the San Diego case, the most likely situation probably (but not necessarily) unfolded in this manner.

The wrong floor mats were placed in the car, probably covering part of the gas pedal. At one point, Saylor pressed the brake pedal and the floor mat transferred the pressure to the nearby gas pedal, which would make it seem as if the car were accelerating on its own. It's possible that the more pressure he applied to the brakes, the more pressure the trapped floor mat transferred to the nearby gas pedal, which would have raised the engine's RPM—bleeding off the power-assist vacuum to the brakes. Eventually Saylor was down to just straight hydraulic brake pressure, which requires braking hard and constantly. If he started pumping the brakes, it might have been insufficient to stop the car.

This may be what the case is really about: In unexpected and sudden road emergencies—at the height of panic—we are a nation of amateur drivers.

When cases like this make headlines, what inevitably follows is a wave of individuals coming forward to claim the same thing happened to them. The freshly reported cases are anecdotal. There's no sold evidence (yet found) to prove they really

happened. But from the public's viewpoint, the sheer number of unverified "me, too" claims somehow supports the original story.

When not just one, but many individuals all claim that their cars have somehow become possessed, our first thought is that it must be true. On the other hand, when airliners go down at the hands of what are possibly the best-trained individuals in the transportation industry, our first reaction is to blame the pilots.

In essence, we're predisposed to consider the experts wrong, the amateurs right. Consciously or not, we identify with the amateurs.

WHY WAIT FOR THE EVIDENCE?
When an airliner goes down, the public waits patiently to assign blame; the National Transportation Safety Board conducts scientific research and may not post conclusions for a year or more. Today the government seemingly can't wait to go on record saying that Toyota dragged its feet to its customers' detriment.

The evidence may not point that way.

According to an article that the Union-Tribune published last year, NHTSA had on file only 40 complaints involving floor mats in Toyota vehicles, including 7 accidents and 12 injuries—out of nearly 4 million vehicles sold. Yes, having a gas pedal stick on you personally would be a fear-filled, dangerous incident, but 40 complaints out of 4 million cars sold borders on the statistically insignificant to an engineer's thinking. As for Toyota's drive-by-wire system, Toyota engineers have thus far found nothing wrong. This case shows that once the media focuses on a car company, that company takes the headlines.

Last November a gentleman with more money than sense drove his $1.25 million 2005 Bugatti Veyron into a LaMarque, Tex., lake. He claimed that a low-flying pelican had distracted him. Basically he admitted it was his own stupidity and the nation got a good laugh. Approximately five weeks later, a family of four was killed when their Toyota Avalon drove into a pond in Southlake, Tex.

On January 6, the Dallas Morning News' Web page for local news briefs mentioned the Southlake accident. On the same page was an additional report about a 39-year-old woman who was killed when she drove her SUV into a pond near Campbell Road in far-off North Dallas. The manufacturer of that SUV was not even mentioned.

These three scenarios all involved driving cars into water. One driver admitted stupidity and no reason was ever given for the SUV fatality. But the Toyota Avalon story remains in the news.

Toyota will not reveal how many reported cases it took for the company to decide to recall the CTS gas pedals for repairs. Toyota notes that it identified the issue and informed the NHTSA about it in a formal letter in late October. So the statement that

Toyota was dragging its feet on this issue doesn't appear to align with the facts. The company had already recalled its floor mats for potentially jamming against the gas pedal—in any case, the mats in Mark Saylor's loaner Lexus were the wrong size for that car.

PERCEIVED RISK VS. GENUINE RISK

Every day in the U.S., approximately 104 to 109 people die in traffic accidents, according to automotive fatality statistics for 2008 released by the National Safety Council. But the only automaker mentioned in headlines today is Toyota. The fact that over the last decade an estimated 400,000 Americans have died in their automobiles has incited no demonstrations, no angry public outcry. Nor has it changed our driving habits; we still barrel down freeways at 75 mph. Over the past decade we've even added texting while driving to further tempt fate.

The National Safety Council also points out that more than 3,000 individuals have died in the past decade from drowning or falling in their bathtub. Most reading this column will ignore the figure and take a shower in the morning.

A number of studies, including one from The Institute of Medicine, part of the National Academies of Science, suggest that up to 100,000 Americans die each year from some form of medical malpractice. That statistic goes unnoticed because we are told repeatedly that we have the world's greatest health care system and that our doctors are sued far too often. But the auto industry is regularly sued—generally because of problems resulting from driver error—and as often as not, loses those cases.

Car & Driver summed it up best: "The U.S. [driver] has approximately a 1 in 8,000 chance of perishing in a car accident every year. Over a decade that's about 1 in 800. Given the millions of cars included in the Toyota recalls and the fewer than 20 alleged deaths over the past decade, the alleged fatality rate is about 1 death per 200,000." You wouldn't guess that from today's headlines.

What's This Driving At?

Will Toyota come back from this? Sure. To be fair, the company's reputation as the world's "ultimate and greatest car company" was a myth. But Toyota is an exceptional manufacturer of automobiles that have earned a strong reputation for reliable service. It's given the company millions of loyal owners, of which the vast majority will stick with the brand. Deep loyalty will separate Toyota from Suzuki, Audi, and Isuzu.

Everyone should know that NHTSA has investigated unintended acceleration in automobiles for decades. With the exception of floor mats sticking against gas pedals or driver error, the agency has apparently not found the elusive major mechanical defect that would set off a runaway vehicle. It wasn't just Audi that was cleared (although NHTSA said that the gas and brake pedals might have been too close). It was virtually every vehicle ever sold in the U.S. Even here, safety advocates and the

litigating attorneys that often fund them blame NHTSA for a lack of effort to resolve this issue. That's patently unfair to NHTSA.

Toyota could say something, but never will: In the end, most of the stories arising in the media will be proven to have come from opportunists trying to cash in on lawsuits, lawyers trying to influence potential jury members, attention-seekers, or less-than-competent drivers. Silence is a fairly wise choice on Toyota's part because no company in U.S. history has called its customers stupid and survived.

Car & Driver may save Toyota the trouble. The March issue's editorial is headed, "Toyota Recall: Scandal, Media Circus, and Stupid Drivers."

(We attempted to contact NHTSA for this column, but due to the weather in Washington, its office is closed.)

Ed Wallace is a recipient of the the Gerald R. Loeb Award for business journalism, given by the G. and R. Loeb Foundation, and is a member of the American Historical Society. His column leads the Fort Worth Star-Telegram's "Sunday Drive" section. He reviews new cars every Friday morning at 7:15 on Fox Four's Good Day, contributes articles to BusinessWeek Online, and hosts the top-rated talk show Wheels Saturdays from 8 a.m. to 1 p.m. on 570 KLIF.