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Thursday, March 11, 2010

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Chair

Mr. Merv Tweed

Standing Committee on Transport, Infrastructure and Communities

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•(0910)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Order, please.

Good morning, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting two.

Pursuant to Standing Order 108(2), we are studying the recall of vehicles manufactured by Toyota Motor Corporation.

I have a point of order by Mr. Volpe.

Hon. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Chairman and colleagues, let me first welcome our newest member, Ms. Bonnie Crombie, to the committee.

Mr. Chair, with respect to paragraph three on our first report, and the invitation that we've extended to representatives of Toyota Motor Corporation, I just want it to be very clear, on the record, that when we discussed who we wanted, we were looking for those people who had the decision-making capacity with respect to Toyota Motor Corporation and its products in Canada and, I dare say, in the United States.

I proposed, as you see in the report, Mr. Yoshimi Inaba. My understanding is that Toyota Canada is proposing somebody different.

Now, the person who represents Toyota Canada, Mr. Stephen Beatty, in response to a question from the *Financial Post* about why Yoshimi Inaba was the correct person to appear before the congressional committees in the United States, answered as follows:

The North American president [Yoshimi Inaba], the person responsible for all the consolidated operations in North America, is the person that will appear before the committee and was the one invited to appear before the committee and the person most intimately aware of all those operations and the chronology.

That's making reference to Toyota in North America.

He is the right person to be there.

And in my view, "there" also means here.

When Mr. Beatty was asked why Mr. Inaba was a better person than the president of the company, he went on to explain as follows:

In part, because he was the former president of Toyota Motor Sales and has steered the company through those years of its development in North America.

Now, why would we accept anybody less than that to appear before this committee? Are we going to allow the suggestion to prevail that Toyota doesn't think as highly of its Canadian market as it does of its North American market; or maybe that the

congressional committees in the United States are more worthy of deference than the House committees here in Canada; or maybe that the consumers in Canada are not as worthy of protection and access to information as those in the United States; or, even worse, in terms of the information that's going to be sent, all of the proprietors of Toyota products in the United States are worthy of greater attention than those in Canada?

Mr. Chairman, I just want it to be on the record that if Mr. Inaba is not here, there's no need for us to talk to anybody else. As far as we're concerned, there's no need for us to talk to any of the other officials that Toyota wants to present before this committee. It's absolutely ridiculous that we should be treated as second- and third-class parliamentarians in North America and as consumers not worthy of the protection that Toyota is offering the rest of its consumers around the world and in North America.

The Chair: Thank you, Mr. Volpe.

I have heard the comments. I'm going to allow a couple of comments, but I think the instruction, based on the report, is accurate. We will again confer those messages to the corporation.

Please.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair.

It is nice to be back here at the transport committee.

Mr. Volpe is correct in identifying this as a serious issue. It relates to the type of testimony we will get. I would actually prefer that Mr. Toyoda would also come to Canada. This is about reciprocity concerning how Toyota is dealing with the recall issue, not just in the United States, but, more importantly for us and our responsibility, in Canada.

There is clearly a difference in what is taking place. In the United States Mr. Toyoda has identified several different features that they will provide their customers and also non-customers of assurances of public safety from what they are doing here in Canada.

To have obstruction of suggested witnesses to this committee is very concerning at this particular point, because we are asking for something that is very simple and very succinct relative to what is happening on Capitol Hill, where Toyota customers in the United States enjoy different benefits of this recall, where their country will get different results due to these recalls, and accountability. In fact, Mr. Toyoda promised the U.S. Congress worldwide information that Toyota has yet to provide to this committee and the industry committee, which I have requested they provide. They will provide that information to the United States, but they will not provide that, at this point and date, to this committee or the industry committee.

These are serious matters that need to be investigated. I am hoping, at the very least, that they will understand we are serious about looking at this issue. We expect the same treatment as our cousins to the south. Anything less will be unacceptable to the people of Canada.

• (0915)

The Chair: Thank you.

I don't want to turn this into a debate, but I am going to listen to a couple more.

Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Chair, by inviting the Toyota officials, our committee clearly wants to meet with the most senior managers. I read the same article as Mr. Volpe. The president of Toyota Canada commented on the operations in the United States. If the president of Toyota Canada considers that someone else should be here and if he has a superior, my message is that it would be in his best interest to make him come here. But I know that the operations of Toyota Canada are different from the operations in the rest of North America.

So, since he made this statement, it is certain that if he appears before the committee, he will have to answer questions like Mr. Volpe's, among others. It is a choice. We asked Toyota Canada's most senior managers to appear before our committee. I obviously hope they will.

[*English*]

The Chair: Thank you.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chair.

I would agree with Monsieur Laframboise. The committee is here to investigate. Quite frankly, we are prejudging if we suggest that we know better than Toyota who to send here. We can ask them questions. Certainly we have other powers, as a committee, to do further investigation and decide whether their answers are forthcoming or not. Canadians want us to do that, but I also think Canadians want us to take advantage of the witnesses we have here today, which is Transport Canada, to see how they've dealt with this issue. It is a very important issue for the safety and security of Canadians, and I think we should hear them.

Certainly if we are not satisfied with Toyota on Tuesday, then we can deal with that after we hear from them. We have invited him as a witness. If he comes forward, that's great. If he doesn't, then we can invite him again.

The Chair: Mr. Watson, for a final comment.

Mr. Jeff Watson (Essex, CPC): I have just a brief comment.

Mr. Chair, I thought the Oscars were last week, but after watching Mr. Volpe and our visiting member, Mr. Masse, one would wonder whether they are upcoming this week.

My point is a simple one. Every committee has a starting point. If Mr. Volpe doesn't want to hear testimony from today's witnesses, he

knows where the door is, but I am interested in asking some questions today.

The Chair: We will move on with that now.

I am going to introduce our guests and welcome them. From the Department of Transport we have Mr. Gerard McDonald, who is the associate assistant deputy minister of safety and security; Mr. Trevor Lehouillier, who is the head of defect investigations; and Mr. Louis-Philippe Lussier, the chief, defect investigations and recalls department.

Welcome. You have a presentation, and then we'll move to questions.

Please, take it away.

Mr. Gerard McDonald (Associate Assistant Deputy Minister, Safety and Security Group, Department of Transport): Thank you very much, Mr. Chairman, for allowing us to appear before your committee to discuss what for us is a very important issue.

First allow me to introduce myself. My name is Gerard McDonald, as the chair noted, and I am the associate assistant deputy minister for safety and security within Transport Canada. This includes the oversight of our road safety program. I'm accompanied today by two of my colleagues, Monsieur Louis-Philippe Lussier, the chief of our defects investigation and recalls division, and Mr. Trevor Lehouillier, head of our defects investigation section.

My officials and I have been working hard on issues related to the recent recalls affecting some of the models of Toyota and Lexus vehicles.

[*Translation*]

I am here to provide some background on the issue, outline the action the department has taken to protect Canadian motorists, and clarify the manufacturer's obligations under the Motor Vehicle Safety Act.

• (0920)

[*English*]

In terms of background, as you know, Toyota recently announced a series of recall and recall extensions affecting several of its vehicle models. The first recall in October 2009 dealt with the potential for an unsecured or incompatible driver's floor mat to interfere with the accelerator pedal. A second recall was issued in January 2010 due to certain accelerator pedal mechanisms that may mechanically stick in a partially depressed position or return slowly to the idle position when released.

Last month, Transport Canada was informed of additional recalls involving the 2010 Prius and Lexus hybrid vehicles and some 2010 Camrys. Under the Motor Vehicle Safety Act, all manufacturers or importers who become aware of a safety-related defect in their vehicle must give immediate notice of such defects to the government and affected owners. If they don't, recourse is available, including legal action against the company.

[*Translation*]

In each of these cases, Toyota informed Transport Canada as per their legal obligation under the act. And in each case, Transport Canada met with Toyota to discuss each recall and to push Toyota to take all necessary corrective actions so that the safety of consumers is protected.

We made sure that Canadian consumers were provided with the full extent of safety related repairs that Toyota customers in the U.S. will receive, despite some differences in the models across the border.

Likewise, our officials are working with General Motors of Canada Limited as well as other manufacturers to ensure corrective action is taken by all of them.

With respect to the incompatible floor mat issue, Canadian owners of affected Toyota and Lexus vehicle models were notified directly by Toyota about the measures. The floor mats installed in Toyota cars sold in Canada are different than those sold in the United States. Specifically, our floor mats are less rigid than those in the U.S. and better conform to the shape of the floor of the vehicle.

Nevertheless, we still required Toyota to undertake additional measures to reduce risks to their customers, in parallel with the repairs that are being made to U.S. vehicles.

[*English*]

With respect to the sticking pedal recall, Toyota Canada informed Transport Canada on January 21, 2010, of the sticky pedal issue when they issued a notice of defect, taking responsibility for this defect and for its remedy. The very next day, departmental officials met with Toyota to discuss the issue, and on January 29, 2010, Toyota presented us with the technical solution to fix the sticking accelerator issue as well as their action plan to implement the solution. Part of the solution includes Toyota directly notifying Canadian owners of affected Toyota and Lexus vehicle models about the recalls. It also includes Toyota Canada undertaking a safety improvement campaign for Canadian customers.

Finally, the department has investigated the Prius braking issue and remains in continual communication with Toyota Canada to ensure all identified defects in these vehicles are addressed and remedied as quickly as possible.

[*Translation*]

As a matter of normal business practice, we are also in continual contact with our defects investigation and recalls counterparts in the U.S. Governments National Highway Traffic Safety Administration to compare notes and to share information on our respective investigations. The vehicle fleets in the two countries are more similar than they are to other countries. This is because our safety and other standards are closely harmonized. Hence, it behooves the two sides to share information since problems may crop up first in one or the other country. And this is indeed happening.

While Toyota Canada is currently meeting its legal obligations to the Government of Canada, Transport Canada will monitor the completion and the effectiveness of the different recall campaigns. Transport Canada has a system in place to track, log and follow public complaints of potential safety defects in vehicles. In fact, an

average of 1,200 complaints are received, logged and analyzed each year by a team of 10 full-time technical investigators.

● (0925)

[*English*]

Canadians who call to lodge a complaint don't simply leave a message. They actually speak to a specialist who has the knowledge to gather the necessary information required to properly evaluate the complaint. Following initial screening of complaints, information is entered into the public complaint database and then is used during the process of research and investigation. Copies of each complaint are forwarded to the company to ensure it is aware of the event and file findings.

Transport Canada officials also meet regularly with manufacturers and the two sides share information on consumer-related issues. While the responsibility for determining the existence of safety-related defects rests with the manufacturer, Transport Canada's investigators also independently gather evidence to help determine whether a safety-related defect exists in a group of vehicles.

If we believe a safety-related defect may exist, we will gather additional evidence to confirm if our belief is correct. We do this through vehicle component inspection, testing, and other proven investigative techniques. If a company and Transport Canada cannot come to an agreement about the existence of a defect, the department will prepare a case file alleging non-compliance with the notice of defect provision of the Motor Vehicle Safety Act and submit it to the Attorney General for prosecution in the courts.

Members of the committee, the Government of Canada expects all vehicle manufacturers, including Toyota, to be fully accountable and transparent in identifying problems with their vehicles and to take all actions necessary to ensure the safety of consumers. We will continue to monitor very closely all developments related to recalls involving Toyota, and we will continue our work to protect Canadians. We want Canadians to enjoy safe vehicles and to have confidence in their vehicles.

Mr. Chairman, I would now like to table a document, with your permission, that the committee members may find useful. The document is a list of all complaints since the year 2000 regarding Toyota vehicles that we have in our database deposited by Canadians on potential safety-related defects. I would note that this information is documented in the language used by individual vehicle owners who contacted Transport Canada to report their particular problems. In essence, Mr. Chairman, we would like to be as open as possible with the committee.

Mr. Chairman, with your concurrence, I would now ask Mr. Lehouillier to present a brief PowerPoint deck to provide some useful background on defect investigations and recalls that the committee may find useful, and then we would be happy to take any questions the members may have.

The Chair: Before we proceed, you have a document that you're going to table, or you have circulated it?

Mr. Gerard McDonald: We will table it, Mr. Chairman.

The Chair: After the presentations? If you have it now, we could circulate it.

Mr. Gerard McDonald: It's a very large document. It would take some time to copy if the members wanted to see it.

The Chair: You only have one copy?

Mr. Gerard McDonald: I only have one copy at the moment.

The Chair: I will see that the clerk copies and distributes it.

Mr. Masse, a point of order.

Mr. Brian Masse: It will be important for us to review the document so we can actually ask questions about the document. Getting it at this time, as opposed to in advance, is problematic to be able to ask questions of the witnesses. There could be issues as to why it wasn't previously provided, and that's okay.

I'm wondering whether or not we should either reserve the right... or suspend the hearings for the moment to review the document, because normally when we have testimony we get that in advance, especially from departments, especially a speech or... We have a little bit of a deck here, a couple of pages, but also, if we're getting a substantial document that isn't even available by reproducing it, then I'm not sure how well we're going to be able to listen to the witnesses and then leaf through the document to ask questions relevant to that.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Mr. Chair, I personally have no problems with that, unlike Mr. Masse. I had already had a series of questions about the recalls and the public complaints. The analysis has already been done and the department will be able to answer my questions. If we want to ask any other questions after reading the document, we can always invite the witnesses to appear before the committee again. I have no problem with that.

Today, I have questions on the complaints that have been lodged. If you have Toyota's, you also have the analysis. You have already done it. You have the answers. I am ready to ask my questions.

• (0930)

[*English*]

The Chair: Merci.

Mr. Volpe.

Hon. Joseph Volpe: Mr. Chairman, I want to thank Mr. McDonald for coming to give his presentation.

I listened dutifully, but when he introduced the presentation of a document he was prepared to table—I think those were his exact words—as being some supporting evidence for the fact that the department has been doing things in a very competent and legal fashion, and he doesn't have it for us in both official languages, I think he's testing the patience of members of Parliament and he's impugning the integrity of the committee to have access to information it is investigating.

If he's not prepared to provide us with the documentation he says is important, I think there is very little use in hearing whatever else he's got to say. Otherwise, we're going to be questioning his

credibility for the rest of this sitting. I just find this absolutely unacceptable.

As does Monsieur Laframboise, I have my questions ready as well. But this is absolutely unacceptable that a witness, especially a member of the department, would come forward and say, "Listen to me, I'm doing a great job. And by the way, just so you know what a great job I'm doing, I'm going to give you a document that shows what a job I've been doing for the last ten years, but I don't have it here and I don't have it in both official languages and I haven't compiled it yet."

What kinds of fools do you take us for?

The Chair: Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

I understand how Mr. Volpe feels.

We were invited by Transport Canada to what I would consider to be an excellent technical briefing a couple of days ago where they actually informed us that these documents were available and they kept track of them.

Hon. Joseph Volpe: But you don't need them. Is that what you're saying?

Mr. Brian Jean: Mr. Volpe, if I may....

They have provided it here today. It's quite an extensive document. We can make copies. It just so happens we have things called photocopiers in this building, and I'm sure we can get copies for you. And if we need to call Transport Canada back, they have shown up with two days' notice, and I'm sure we can have them back here again if necessary. But can we hear the testimony of the witnesses so we can make sure and reassure Canadians of the safety of the situation for them?

Mr. Volpe, if you want I'm certain you can go through this document and we can invite Transport Canada back if you find it necessary to do so.

The Chair: Mr. Volpe.

Hon. Joseph Volpe: Thank you, Mr. Chairman.

Just understand, Mr. Parliamentary Secretary, that the reason we're having these hearings is because members of the opposition parties—all of them, I imagine—as well as government members, are concerned about the safety of the product that's being permitted on the roads. When the assistant deputy minister is talking to us about how the Motor Vehicle Safety Act applies to ensure that Canadians can feel comfortable about the safety of the product they're engaging and the quality of the product they're engaging, that's what we're interested in. We're not interested in whether there are photocopiers here or not. We know that they accepted and we thank them for accepting to come here before the committee. They should have come prepared. We can't do our job if we're not prepared, and they are depriving us of an opportunity to be appropriately prepared.

Mr. Brian Jean: With respect, Mr. Volpe, if I may, Mr. Chair—

The Chair: I'm going to stop the debate right here. I'm going to suggest that—

Mr. Brian Jean: It was a government member who called this meeting, not the opposition parties.

The Chair: Order, please.

I'm going to suggest, Mr. McDonald, that I, too, am disappointed you don't have the documents prepared. I know the members have questions. We will do that. We will put a reserve that we will invite you back with the documents you are going to table in both official languages as soon as the day...but I do want to make it clear that we feel....

Order, please.

I am going to proceed with the presentation, but I do ask that you get those documents to this committee as soon as you possibly can. If that means tabling it now so that we can get copies made, or whatever, I do want it; by the end of the day I do want these members to have that document.

Now, can we proceed with the presentation? Then we'll proceed with questions.

Mr. Trevor Lehouillier (Head, Defect Investigations, Defect Investigations and Recalls, Department of Transport): Thank you, Mr. Chair.

I appreciate the opportunity to come and talk about our program and give you some more insight on how we work and what we do.

I'll go to the first slide of the presentation. This is just a quick overview of how we work, somewhat differently, I guess, than the United States. In the United States they have a much larger population and they do receive significantly more complaints than we do here in Canada. In Canada we have a 1-800 line that covers all of Canada, right from B.C. to Newfoundland. If a Canadian consumer has a complaint with respect to safety and it ties back to the manufacturing of the vehicle, you can pick up the phone and call 1-800 and get a trained investigator on the line.

Our investigators screen the calls and put them into a public complaint database. Besides calls, we also have access through the web. We have an online public complaint form, which the consumer can go to our website and complete. You do require a Canadian postal code and a vehicle identification number to get through the process, to verify that we're not getting a bunch of complaints that may not relate to Canadian citizens. We still take complaints via letter, via fax, and the odd time we even have people stop in at our facilities. Our headquarters is located in the east end of Ottawa, and at times people will stop in and visit us.

We also deal a lot with third parties—police agencies, insurance companies, coroners offices, that type of idea. We often will get a call from a police agency where they feel maybe there was an issue in a collision and bring us some information and look for our assistance to try to determine what took place and whether there is a potential that a defect contributed to that crash.

We do approximately 1,200 complaints per year. Do keep in consideration that we are not a consumer agency with respect to dollars and cents. We are an enforcement group. We have badges as enforcement groups. We are enforcing the Motor Vehicle Safety Act, more specifically section 10, "Notice of Defect". In layman's terms, that is recall.

Every complaint really and truly is an investigation. Some investigations may be very quick, a matter of doing some research through technical websites, through technical databases, through our own database, to try to see what we're aware of. The other thing we have to keep in consideration is safety. If something falls outside of safety, unfortunately it's not our mandate. So if a consumer has a concern such as paint peeling, there's not much we can do with respect to the Motor Vehicle Safety Act. However, we try to lead that person to appropriate agencies that can be of assistance, whether it be a provincial agency, a consumer agency, even small claims court.

Our investigations can consist of not only research but also vehicle testing, part failure analysis, component analysis, and at times we will have vehicles shipped or parts shipped to our headquarters in Ottawa. We'll deal with outside labs as well, including the Transportation Safety Board and the Quality Engineering Test Establishment of the armed forces, as well as private companies.

We also continually communicate with vehicle manufacturers and parts suppliers. Often manufacturers are aware of technical information that we need to get our hands on, and under the act we do have the ability to request that information and the manufacturer has to oblige as to what we request. So if we need engineering documents, that type of idea, we do need to go to that source to get that information.

There are three directions we can head in. We can put something in what we call "monitoring state". For example, maybe we understand the issue, maybe we've been down that road, or maybe there is one complaint in all of Canada, that type of idea, and safety is minimal. There are different circumstances. We will continually monitor things. If we have one complaint today, if the phone rings tomorrow it could be number two and it might lead us in a different direction. So we are always monitoring what's coming through our door.

Secondly, we can deactivate an issue. Often we'll deactivate an issue when a manufacturer does a safety recall campaign or a notice of defect. They've come to the table and they've indicated they have identified an issue and they're taking corrective action to take care of the consumer. Therefore, we would typically, if we're satisfied with everything, deactivate the file and move on.

There is also the ability to prosecute. What we would do is put together a case file, present it to the attorney general and have them lay a charge under the Criminal Code of Canada, which is a significant difference from the United States. Our charge is to our criminal code; they're not civil. There is the possibility of jail time as well as financial damage, and that prosecution would be for failure to give a notice of defect. That means not notifying owners or not notifying the government of the issue.

This next slide was just put together to demonstrate some of the complaints we've received over the years. You're looking at 2000 to 2010. These are all complaints. So this is not necessarily sudden acceleration, airbag, seat belts. This is everything. The tallest bar in the column is all complaints combined. As for the bars beside it, the first one is Toyota over the years. We have also referenced the other three largest manufacturers in Canada, General Motors, Ford, and Chrysler, as a comparison.

When you look at the data, you will see that there is a spike come 2009 and 2010. That spike coincides with September 2009, which of course many of you are aware is when there was a tragic situation in California with respect to a crash that killed four people, alleged to be caused by a floor mat.

• (0935)

The media has done a very good job of bringing this issue out, and it has significantly increased the complaints coming to our door, not only with Toyota but with other manufacturers. I would say that as of today we have over double the complaints we would have received in prior years up to today.

The next slide represents recalls in Canada. The bars represent the population of vehicles and the line represents the number of recalls in Canada.

Recalls are not something new. They have pretty much doubled over the last 10 or 15 years; however, they do happen on a daily basis. Often consumers are not aware of that, but they are coming to our door every day. We are putting them into the system, monitoring them, and working with manufacturers to make sure that the appropriate actions are taken.

You'll see that the largest year for vehicle population was 2004—up around three million vehicles. The largest year for the number of recalls was 2008, with approximately 459. Keep in mind, not only do we look at motor vehicles, but we also look at child restraints and tires. So we also have data with respect to those pieces of equipment.

Thank you very much for the opportunity to present this information. We're more than happy to answer any questions you have today.

• (0940)

The Chair: Thank you.

Mr. Volpe, seven minutes.

Hon. Joseph Volpe: Thank you, Mr. Chairman.

Thank you to the guests for appearing before us.

It bears repetition that the reason we're here is that we're trying to make sure that the product that Canadians buy and put on the road is safe and secure and that it's of a high quality. So when you come here before us to talk about the way you, as officials, interpret the legislation.... I'd like to ask you one very simple question: does the legislation give you enough tools to ensure that the product that's sold in Canada or assembled in Canada is safe for use, and does it comply with standards that we've come to expect in Canada and that we acknowledge in other countries? Just give a very simple yes or no.

Mr. Gerard McDonald: Yes, we feel it does, Mr. Volpe.

Hon. Joseph Volpe: Great. Thanks.

You indicated that on January 21 you became aware of the Toyota problem associated with the pedal. Through all of your presentation you mentioned Toyota once and you made reference to the problems of Toyota recalls twice. You were I think given an indication that we were discussing specifically Toyota recalls. Are you satisfied that that pedal situation is sufficiently resolved to everybody's satisfaction, keeping in mind the consumer?

Mr. Trevor Lehouillier: At this time Toyota has met the intent of the law, notifying—

Hon. Joseph Volpe: No, no, I asked if you were satisfied.

Mr. Trevor Lehouillier: At this time, from the data we have, yes, I am. If I could explain—

Hon. Joseph Volpe: Oh, you are? Did you conduct the tests? It says here specialists. Are you the specialist?

Mr. Trevor Lehouillier: I'm the head of the department.

Hon. Joseph Volpe: Okay, so you have special expertise to replicate a problem and to test the product in its original form and in its modified form. Is that it?

Mr. Trevor Lehouillier: Our defect investigators, combined with engineers, technologists, and people with extensive automotive experience....

Hon. Joseph Volpe: Did Toyota provide you with all the specs required to give you an indication that you were right on in all of your analyses?

Mr. Trevor Lehouillier: Toyota has given us everything that we've requested to date.

Hon. Joseph Volpe: You had to request it.

Have you been following what's going on in the United States?

Mr. Trevor Lehouillier: I definitely have. If I can explain something, if you'll give me a moment—

Hon. Joseph Volpe: I'm just trying to see whether you have the tools.

Mr. Trevor Lehouillier: I'd like to give you an idea—

Hon. Joseph Volpe: For example, the other day, one of my staff who attended that particular on-site inspection asked if you had the black box that would give you a clear assessment of what was wrong with the Toyota parts or not. The answer was that it should be in the office by now. Have you got it?

Mr. Trevor Lehouillier: Mr. Chair, could I provide a little background?

Thank you, Mr. Chair.

What I'd like to explain first is that there are 400 recalls in Canada. We typically do not investigate after a recall has been issued. We have defect investigations and recalls. The purpose of defect investigations is to see if there is an issue that the manufacturer must take care of. When a manufacturer comes to the table with a recall, they've addressed that concern. We take it that they have done the appropriate action. Often, of these 400 recalls, we have not had an investigation related to those recalls.

In this particular situation, Toyota came to us. They informed us of the issue. They issued the notice of defect as required under the Motor Vehicle Safety Act. We looked at the data that we had prior to that situation and we had nothing that outlined a pedal concern. We have not seen a sticky pedal in the cases we have.

If I can continue—

• (0945)

Hon. Joseph Volpe: I'm sorry, I'm going to have to interrupt you, because I'm going to have to ask the questions. I can hear that again. You gave us that speech already. What I wanted to know is do you have the decoder that Toyota says will allow all specialists to understand how their product works? Yes or no?

Mr. Trevor Lehouillier: I'm getting there. I am getting there, please—

Hon. Joseph Volpe: Oh, you don't have it.

Mr. Trevor Lehouillier: Yes, I do. Please let me get there.

Hon. Joseph Volpe: Do you or don't you?

The Chair: You have to let the witness respond, please.

Hon. Joseph Volpe: But it's a simple answer. Yes, I have it, or no, I don't have it.

The Chair: Please.

Mr. Trevor Lehouillier: We made formal requests to Toyota for the readers. The readers are prototype tools, which they are currently manufacturing. If you watched the congressional hearings, you would know that. They indicated that the readers would be available at the end of April.

Toyota has forwarded a reader to us. It is a prototype device. We received it this week.

Our collision and defect investigation group—

Hon. Joseph Volpe: So if you received it this week, are you going to be able to take a look at the very important issue of safety?

We have an example in B.C., where a Mr. Eves has been claiming that his son was the victim of a vehicle accident—

Mr. Trevor Lehouillier: If I can complete, I will give you more information with respect to that.

Hon. Joseph Volpe: —in which this particular issue might have been the case. He was promised the decoder so that he could look at that black box and we could be certain about the safety of the product.

You have that. Are you going to call Mr. Eves and get that thing resolved today?

Mr. Trevor Lehouillier: Mr. Chairman, can I expand, please?

The Chair: That's the end of the time, but I'm going to allow you to answer that, yes.

Mr. Trevor Lehouillier: Thank you very much.

With respect to the black box, two points, and I will answer both of your questions, Mr. Volpe.

First off, on the black box, we do have it. It is a prototype tool. Our group is currently working with it to verify that the data is accurate. What we are doing is taking data from our crash test centre, because we know those crashes and we understand what happened in those crashes, and we are doing downloads. Keep in consideration that the box may not work on every vehicle. Also keep in consideration—and I'm using this from previous experience with other manufacturers—you typically require an airbag deployment to set a system in time. Therefore, if there is an event without an airbag deployment the black box reader may tell you nothing.

With respect to the situation in B.C., yes, that issue came to our attention as of yesterday afternoon, late afternoon, Eastern Standard Time. Our field investigation team has been on the phone with the gentleman and we already have recent information from the black box as far as the label so we can try to determine if it can even be downloaded. It will be in transit, likely today or tomorrow, from the owner to our field team, and then to Ottawa for us to attempt to download. However, prior to downloading that box we want to verify that the data that's coming out of it is appropriate and that we do not disturb the information that's in it by doing something incorrect.

This device is such a prototype that there is not even an instruction manual with it. Toyota Canada has given it to us. They do not have any technical expertise with respect to that device because that is coming directly from Japan, where it was manufactured.

The Chair: Monsieur Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you, Mr. Chair.

What I find irritating in the whole Toyota file is that we seem to be lagging behind the Americans in terms of safety. When we look at your complaints graph, we see that there has been an increasing number of complaints against Toyota since 2006. There was a floor mat recall in October 2009.

I have a simple question. How many Toyota floor mat complaints did you have before the recall? When did you start receiving floor mat complaints, for example?

[*English*]

Mr. Trevor Lehouillier: I'll answer the question, Mr. Chair.

With respect to the carpets, there are a number of things you have to consider. First is the type of event that has resulted. Often the event may not be known as a carpet issue. It may be what is classified as a “sudden acceleration” or a “run-away event”, where the operator has a circumstance that they feel the vehicle is uncontrollable. We often learn during the process of investigation whether or not it is the carpets.

Up until September 2009, the Toyota complaints were not significantly higher than the other years. Up to September, we actually only had 37. And then, from that time forward, you'll see the increase in the data.

[*Translation*]

Mr. Mario Laframboise: If you do not have the answer, could you provide it to the committee? I would simply like to know when you first started to receive floor mat complaints and how many complaints of this type you had from 2006 to 2009.

[*English*]

Mr. Trevor Lehouillier: Since 2006... Unfortunately, I do not have the data right back to 2006. We do have it; I don't have it present today.

These complaints are grouped with accelerator pedal, floor mats, and other sudden acceleration issues, because you often will not learn what those are until you do you the investigation. Often they may just be a simple consumer complaint.

We will provide all data for you.

• (0950)

[Translation]

Mr. Mario Laframboise: Let me ask you the same thing..., since there was the sticking accelerator pedal recall in January 2010. Could you tell me how many accelerator complaints you have had since 2006?

That is my problem. I began my speech saying that we seem to be behind the Americans. I am trying to understand why.

If, since 2006, 2007 or 2008, you had floor mat complaints, why did you wait for Toyota's recall? Did Transport Canada force Toyota to issue the recall?

[English]

Mr. Trevor Lehouillier: I'll answer those two things.

Since 2006, issues relating to the accelerator pedal, floor mats, engine driveability—this could be a situation where the operator says, “I was sitting at a light and all of a sudden my engine RPM jumped up 500 RPMs,” or something along those lines. From January 1, 2006, to August of 2009—I'm using that as a cut-off date—we only had 17 complaints. That's all Toyotas; that's all issues.

With respect to floor mats, do keep in consideration that there is a difference between Canada and the United States. The floor mats that are subject to the U.S. recall are different in Canada, and in Canada the floor mats are not being replaced.

There was one particular model—the Venza—that had an issue with floor mats. We had two complaints with the Venza. We brought that issue to Toyota Canada, which was in the timeframe of the recall. Originally, they were recalled in Canada only. There was not a recall in the United States. Since that time and over the last number of months they have expanded that to the United States. We were a leader with the Venza. The Venza was not even subject to a U.S. recall; however, because of the fact that we brought the two complaints to Toyota, they took corrective action with the Venza.

[Translation]

Mr. Mario Laframboise: If I understood correctly, you are saying that there were only 2 floor mat complaints, but there were 17 complaints about the accelerator and other issues. Is that right?

[English]

Mr. Trevor Lehouillier: The two complaints are specific to the Venza model prior to the recall. They would be included in the 17.

[Translation]

Mr. Mario Laframboise: What are the 17 complaints? Are they all related to the accelerator, or are there 15 about the accelerator?

[English]

Mr. Trevor Lehouillier: That would pertain to anything to do with sticky accelerator pedals, vehicle runaways, sudden accelerations, floor mats, engine driveability types of issues.

[Translation]

Mr. Mario Laframboise: I find the number 17 too high. Could you tell me how many complaints you must receive before you react and make the company do something?

[English]

Mr. Trevor Lehouillier: Do keep in consideration that when I say 17 complaints, that covers every model of Toyota for six model years, as well as those problems...a number of problems are identified. There are not 17 of the same thing.

[Translation]

Mr. Mario Laframboise: For example, how many accelerator complaints have you received?

[English]

Mr. Trevor Lehouillier: We have not had any cases of a sticky pedal. We have not been able to confirm any cases of a sticky accelerator pedal.

[Translation]

Mr. Mario Laframboise: So there have been none in Canada. But when you decide to conduct an investigation, is there a minimum number of complaints..., or does that depend on the severity of the accident? What prompts you to require the company to issue a recall? What is your strategy?

[English]

Mr. Trevor Lehouillier: There are a number of things that we look at with respect to holding the level of investigation—safety implication, age of vehicle, warning to the operator, if there is a warning, and also physical evidence. We do go out and look at these vehicles. So often we may have something where an operator indicates that the vehicle took off by itself, but physical evidence could suggest, and shows and supports, that at times there are driver errors. They're unfortunate errors, but they do take place, and even sudden acceleration reports from the past many years have shown that driver error is something you cannot overlook.

[Translation]

Mr. Mario Laframboise: Did Transport Canada require Toyota to issue these three recalls or is it only the company who did the job?

[English]

Mr. Trevor Lehouillier: In our meetings with Toyota, they had proposed ideas, and when we looked at those ideas, we felt that further action needed to be taken in Canada originally, and very promptly Toyota changed their direction and decided to do a campaign in Canada. That's more specifically with the floor mats. With respect to the floor mats, because the floor mats are different, the issue should not occur with the Canadian vehicles; however, there were two other modifications that Toyota in the United States was performing: modifying the pedal and the floor carpet area. We highly suggested to Toyota that action needed to be taken in Canada to make certain that the Canadian citizen gets the same action as the United States, and Toyota took those actions from that meeting.

• (0955)

[Translation]

Mr. Mario Laframboise: Did Toyota make the suggestions to you? Was it not Transport Canada who made them first?

[English]

Mr. Trevor Lehouillier: No, it was Transport Canada.

The Chair: Mr. Masse.

Mr. Brian Masse: Thank you, Mr. Chair.

Thank you for coming here today.

In terms of a general statement of the auto companies in Canada, would they, generally speaking, talk about harmonization with the United States and having similar regulations? Would that be the normal course of discussion between the auto makers and yourselves at Transport Canada when it comes to issues related to product development and movement into the market?

Mr. Gerard McDonald: Certainly we do discuss with manufacturers in Canada. We do make efforts to harmonize as much as possible standards between Canada and the United States. However, there are some differences that we have instituted specifically for safety purposes. Vehicle running lights is one that comes to mind.

Mr. Brian Masse: Yes. So on adding safety measures and that.... Because that's what I hear from various automakers all the time: they want Transport Canada to move towards that regulation.

I'm a little perplexed in terms of how we got here and the department and the relationship with Toyota. How would you describe your relationship with Toyota in general?

Mr. Trevor Lehouillier: With the automotive industry in general, we have a very good working relationship. We do need to deal with these people very frequently, whether it be Toyota or other manufacturers. However, we are still the enforcement agent.

Mr. Brian Masse: That's what really interests me. Back in November of last year, on the original recall that happened in the United States, they issued every Toyota customer in the United States a letter about their recall. They mailed that to them. In fact, I actually have people in my riding who are living in California who got a recall notice, whereas in Canada they didn't.

I wrote Toyota about that and the recall process that was taking place. They sent me back a letter about what they were doing in terms of Canada. They also included with that a Department of Transport news release on November 26, entitled "Transport Canada applauds Toyota's action to protect consumers".

I would like to know from you, on that original release that came back on November 26 with the vehicles announced there, have additional vehicles been added to this list of recalls, which you applauded them for at that point in time? Also, have some of those vehicles had further recall requirements that you applauded them from...? This is your document.

By the way, I'd also like to know this specifically: did the Minister of Transport forward you my letter and the response from Toyota as copied on December 1?

Mr. Louis-Philippe Lussier (Chief, Defect Investigations and Recalls Branch, Department of Transport): There are many questions there.

First of all, to address the question about one of the people in your riding, a Canadian citizen in your riding who received a letter from Toyota in the U.S.—

Mr. Brian Masse: No, she didn't. Her daughter living in California did about her recall issue, but she, living in Canada, didn't get that.

Mr. Louis-Philippe Lussier: I thought that maybe the vehicle was purchased in the U.S. and then the person moved to Canada or there was some issue like that. Sorry about that.

Mr. Brian Masse: No. Thank you.

● (1000)

Mr. Louis-Philippe Lussier: With respect to the media issue and what was posted by Transport Canada, we have to go back to November, when that came out. As my colleagues have mentioned, basically the context was that the floor mats in the U.S. and Canada were different. The all-weather floor mats in Canada have a different composition in material. They are much softer and the design is totally different—

Mr. Brian Masse: I know that. I don't want to get into a discussion about floor mats, though. I want to know about.... You cleared off a series of vehicles on recall on your news release here. What I would like to know is did that expand to newer vehicles later on, and did some of those vehicles require additional recall requirements from these? Because you're clearly applauding Toyota's action to protect consumers, and that's a very significant statement from what are supposedly the police for consumers and public safety. You're issuing that statement. So for November 26 I want to know whether additional vehicles have now gone on recall, and if some of the ones that you cleared and were applauding Toyota about have also required additional recall requirements.

Mr. Louis-Philippe Lussier: I'm going to get to your recall extension question, but I did want to finish up on the point about the media release that came out. We have to go back to the context there, where the floor mats were different between the two countries. The ones in Canada, except for the Venza, as Trevor mentioned earlier, were not susceptible to basically sticking the accelerator pedal to the floor in a full throttle position.

Nonetheless, we met with Toyota. We basically stated our concern that we needed Canadians to have the same treatment as Americans, where in the U.S. they were doing vehicle improvements—

Mr. Brian Masse: On that, I asked them to write every single Canadian at that particular time, and you're saying you asked them to treat Canadians the same. So are you saying, then, that the department's position, especially given that we have different components, as you've noted, like the floor mats, is that we should actually have a research centre for safety and excellence that the United States is getting?

Are you saying that Canadians should enjoy the same things that U.S. citizens are getting, including those in New York and every other place, with a pick-up of their vehicle and then a replacement vehicle in the interim, and, as well, that we will get all the information that Mr. Toyoda has guaranteed, including the book of secrets and other information, that Congress will get? Is it the position of the department that we get identical...? Because I have another letter that I wrote Toyota about that, and they said they would not provide that information to this committee and the industry committee, by ignoring that request. I want to make sure it's the department's position that we get treated the same as the United States.

The Chair: The time is up, but I'm going to allow that question to be answered—please, without interruption.

Mr. Brian Masse: Thank you, Mr. Chair.

Mr. Louis-Philippe Lussier: Mr. Chair, obviously I can't speak for Toyota, but it's our responsibility to make sure that Toyota respects the law of the Motor Vehicle Safety Act. That is what we pursue. Whatever else Toyota Canada may want to do for its consumers is up to Toyota. That is a matter better left to discuss with them.

The Chair: Mr. Watson.

Mr. Jeff Watson: Thank you, Mr. Chair.

So many questions, so little time. I'll try to do the best I can here.

How many accidents, injuries, fatalities occur each year in Canada that are directly attributable to vehicle or vehicle equipment safety defects? Do we know? Do we track that? Who does? What's the most recent year we have available?

This is just to give some context.

Mr. Louis-Philippe Lussier: Mr. Chair, I'm not sure I properly understood the full question.

Mr. Jeff Watson: How many accidents, injuries, and fatalities occur each year in Canada that are directly attributable to a vehicle or vehicle equipment safety defect? Do we know? Do we track that? What's the most recent year for which we have information like that available?

Mr. Louis-Philippe Lussier: We do have a division in Transport Canada's Road Safety and Motor Vehicle Regulation Directorate that basically tracks collision statistics. We do have numbers with respect to the number of fatalities and injuries in Canada. In terms of fatalities, about 2,700 people get killed every day.

You were asking specifically how many of these can be attributable to vehicle defects.

Mr. Jeff Watson: Directly attributable.

Mr. Louis-Philippe Lussier: We don't have that information readily available now. We can certainly look back. We do know from past studies that typically we're talking 5% of collisions being attributable to maybe a vehicle defect. It's a small portion. I don't have an exact number to provide the committee.

Mr. Jeff Watson: If you'll provide that to the committee at a later point, that would be appreciated—

The Chair: Pardon me, Mr. Watson, but I want to clarify something for the record.

In your comment, Mr. Lussier, you said that 2,700 people a day are killed. I presume you meant a year.

Mr. Louis-Philippe Lussier: Per year, yes. Sorry.

The Chair: No, it's just for the record.

Mr. Louis-Philippe Lussier: It's an approximate number.

The Chair: Thank you.

Mr. Watson.

Mr. Jeff Watson: Mr. Chair, eating into my time like that—shame.

The system in Canada is largely complaint-driven. As I understand it, you get information from third parties, insurance and police. How often do you receive information from third parties? Is it annually, semi-annually, quarterly, monthly? How often do you receive that information and compile it?

Mr. Trevor Lehouillier: Typically that would be on a case-by-case basis. We have field teams across the country who work very closely with different organizations. Some of the larger government insurance companies, when they see issues, will bring them to our attention. We document them. We often get called upon by police agencies when there is a collision where they feel that something isn't right.

Mr. Jeff Watson: If a consumer doesn't complain to Transport Canada, is it possible, in your opinion, for an automaker to conceal a safety problem for any length of time?

• (1005)

Mr. Trevor Lehouillier: Anything is possible; however, I would not expect them to do so. As part of our investigations, we request information, we request complaints, we request warranty information, we request legal claims, and they provide that information when we request it.

Mr. Jeff Watson: You were conducting an investigation into floor mat issues when Toyota announced a recall on January 21 with respect to sticky pedal. I presume that means there was no investigation being conducted on sticky pedal by your agency prior to that. Is that correct?

Mr. Trevor Lehouillier: That is correct.

Mr. Jeff Watson: You had contact with Toyota Canada with respect to the floor mats how recently prior to January 21, 2010?

Mr. Trevor Lehouillier: It was within weeks.

Mr. Jeff Watson: It was within weeks, and no mention of sticky pedal by Toyota in your discussions?

Mr. Trevor Lehouillier: Can I add to that?

Mr. Jeff Watson: Yes.

Mr. Trevor Lehouillier: As you would imagine, I was quite surprised and appalled at the fact that they were not aware of it. I did a follow-up with my U.S. counterpart. Toyota Canada's position was that it just came to them from Japan. The United States gave me the exact same answer. The Office of Defects Investigation in the United States was contacted in the same timeframe and received the same story from Toyota U.S.

Mr. Jeff Watson: Is it your conclusion that the pedal problem emerged in recent production? Is it the result of a parts lot problem? Can you make a determination like that? Or has the automaker shared their opinion on that with you?

Mr. Trevor Lehouillier: We have discussed it. As far as the population of vehicles, there are a number of contributing factors, of course, age being one of them. There's not an identified actual mechanical fault besides the fact that moisture can influence the part as well.

Mr. Jeff Watson: My experience on the assembly line, having worked in the auto industry.... I actually received a head injury at one point and they stopped the line for 45 minutes. I remember my zone manager standing over me and everyone else was screaming to get the line started again, because it's very costly.

Toyota stopped production in a number of factories for a lengthy period of time over this particular issue. This is not an insignificant problem we're addressing here. In terms of the current pedal versus the modified pedal—I was provided with a picture of this—the remedy announced...well, there are two solutions to correcting the problem, which have been presented to you. One is for anything that had already been produced and is sitting on a dealer lot or is owned by a consumer. Then there was a redesign of the pedal mechanism for anything once production resumed.

Looking at the repair for existing production and those owned by consumers, a precision-cut stainless steel reinforcement bar, as Toyota calls it—in lay terms we know that as a shim—has been applied to it.

My question, and they confirm in a document presented to me—I'm looking at it. They say on page 3, "The company has confirmed the effectiveness of the newly modified pedals that had previously shown a tendency to stick."

With respect to this shim, can you confirm whether it's as durable a design as the redesigned pedal? In other words, are we going to be looking at a fix a year from now, two years from now, three years from now, or four years from now for those who got a repair as opposed to a redesign?

Mr. Trevor Lehouillier: Looking at it from an engineering perspective, the shim does something, but it's not a moving part; it's not something that's going to wear. As far as its longevity and testing how long it will last, that is something that would need to be reviewed with Toyota. I do not have the answer to that at this time.

Mr. Jeff Watson: To the black box issue, then, I know the technology is widely used in General Motors vehicles, for example. You're calling it a prototype. Can we conclude from this that it is not standard technology employed in Toyota Canada products, that is, it's not installed widespread across their models?

Mr. Trevor Lehouillier: With respect to the prototype, the reference would be to the device to download the information from the vehicle.

Mr. Jeff Watson: I see, but the technology itself is widespread installed in the units.

Mr. Trevor Lehouillier: Yes.

Mr. Jeff Watson: Okay. That's important.

Is that my time, Mr. Chair?

The Chair: Thank you very much.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair, and thank you, panel members.

Mr. Chair, this is a very serious issue. Canadians' lives are at risk.

My question to the assistant deputy minister is this. When you found out that there was an issue with the Toyota recall of these vehicles, what advice did you give to the minister, and what did the minister tell you to say when you came to this meeting?

• (1010)

Mr. Gerard McDonald: The minister did not tell us to say anything. Obviously, when we became aware of the issue with the various Toyota vehicles, all that interaction took place with our department officials, with Trevor and his team, and Toyota. They had all the meetings with Toyota and made all the necessary undertakings with them. The minister's office was apprised of progress as it was going on. But no particular direction or advice was sought from the minister himself. Our officials were working under the auspices of the Motor Vehicle Safety Act, which they have authority to do.

Mr. Sukh Dhaliwal: There are approximately 29 million vehicles on the road. How many defect inspectors do you have in your recall department at Transport Canada?

Mr. Trevor Lehouillier: In the office of defect investigations in Ottawa we have ten people. We also have seven contract teams. These are either private consultants or university-based teams that are on a contract basis. They're our eyes and our ears in the field.

For example, with yesterday's situation, where we were following up with a gentleman in British Columbia, we contacted our team there. They do the groundwork in B.C. They then provide a report of their findings, including photographs, parts, that type of idea, and ship it back to the analysts in Ottawa.

Mr. Sukh Dhaliwal: Do you believe that these ten defect investigators are sufficient to—

The Chair: Mr. Dhaliwal, I'm sorry to interrupt you. We have a point of order from Mr. Jean.

Mr. Brian Jean: I apologize, Mr. Dhaliwal.

I just want to clarify because I've learned some information. I don't want anybody to think that Mr. McDonald hasn't told exactly what he knows today, but I want to make sure the committee knows that the minister, when he found out about the family in B.C., immediately contacted the department and asked them to follow up with the family. Somebody from the minister's office followed up with the family in B.C. to get the black box back.

I just want to make sure they recognize that there has been communication between the minister's office and the department in relation to the family in B.C., if not about what to say here today.

A voice: That sets a precedent.

The Chair: Fair enough.

Sorry, Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Do you believe that those ten inspector-investigators you have are sufficient to deal with 29 million vehicles so that we can guarantee the safety of Canadian drivers?

Mr. Gerard McDonald: What we deal with is approximately 1,200 complaints a year. With the ten investigators we have, plus the regional resources that we also utilize, we feel, based on the risk in the system, that this has been adequate to date to deal with that.

Obviously, we live within our means. Should additional resources be required, there are mechanisms for us to follow through to seek those resources, should need be. But until this date, with the number of complaints we receive on an annual basis, we've been able to keep up with the complaints we've been receiving.

Mr. Sukh Dhaliwal: On this particular Toyota issue, when you came to know that there was a problem and Toyota came up with those two solutions, has your team verified that those two mechanisms work safely to protect the Canadian consumers?

Mr. Trevor Lehouillier: Right now, we are basing the information as to what Toyota has provided, indicating what they've done in their research and testing. Do keep in consideration that we typically—typically—do not investigate after a recall. In this particular situation, we are looking into it further in light of the fact of the number of complaints that have come forward since.

Mr. Sukh Dhaliwal: So do you mean you are telling me that when you hear about a recall where Canadian drivers' safety is at risk, you don't do any due diligence to make sure that particular problem is fixed?

Mr. Trevor Lehouillier: No, I wouldn't say that we do not do any due diligence. There is a recall process that is required by the vehicle manufacturers. Of those 459 recalls, probably 80% to 90% are voluntarily brought forward by the manufacturer.

The recall department will look at the validity of the technical instructions for doing the repair and they will also monitor the completion rate of the vehicles in that recall. For two years, the manufacturer must provide us an update on the vehicles that have been repaired as part of that recall. If by chance we get a complaint after the recall or outside of that recall, we will then look into that situation. Our investigations have led in the past to extensions of recalls or other vehicles being involved in the recalls.

• (1015)

Mr. Sukh Dhaliwal: You mentioned that the media has done its job to make consumers aware about this situation. Are you in a capacity to get a list of the customers who are directly impacted? If you have the access to those lists, what steps has the department taken to make sure that those consumers have come to Toyota to get that problem fixed?

Mr. Trevor Lehouillier: That will come through the quarterly reports with a completion rate of how many vehicles have been

fixed. When Toyota submits their quarterly report to us, they will indicate the numbers of vehicles that were subject to the campaign and how many have been repaired.

Mr. Sukh Dhaliwal: But you have not done any work on your part. Or the department has not done any...?

Mr. Trevor Lehouillier: What we are currently doing is investigating those complaints that are coming forward. So if somebody has a concern, whether it be before the recall, after the recall, or as a result of the recall fix, we are looking into those situations.

The Chair: Monsieur Gaudet.

[*Translation*]

Mr. Roger Gaudet (Montcalm, BQ): Thank you, Mr. Chair.

I am going back to the complaints, Mr. Lehouillier.

You received floor mat complaints in October 2009. Did you check to see what had happened in the United States or was it Toyota that warned you about the problems?

[*English*]

Mr. Trevor Lehouillier: The complaints we received were with respect to the Venza vehicle. We documented those situations and we just represented how those floor mats could get entrapped in the accelerator pedal. We shared our findings with Toyota and indicated that we felt they were doing an action with these other vehicles, that this is a very similar concern, and that they needed to take appropriate action with those vehicles as well.

[*Translation*]

Mr. Roger Gaudet: You said you have received 17 complaints in total, but could you tell me what you did about the accelerator? We realized later that it was not a question of the floor mat, but that there was a problem with the accelerator. When I came to your meeting last Monday, one of your engineers showed that a pin or a piece of metal had been placed on the accelerator.

Was it you at Transport Canada who found the problem or was it the people at Toyota who pointed it out to you?

Mr. Louis-Philippe Lussier: We are talking about separate issues. The rubber floor mats created problems in the United States. They could make the accelerator stick. In Canada, the Venza floor mat was problematic. Toyota issued a recall notice to replace the Venza floor mat.

The accelerator pedal that can stick is a different issue. Transport Canada was not aware of that before Toyota contacted us and issued the notice of defect on January 21, 2010.

Mr. Roger Gaudet: Have you received any complaints? A little earlier, Mr. Lehouillier said that there had been 17 complaints. What were the complaints about? The floor mats or the accelerator?

Mr. Louis-Philippe Lussier: We received complaints about the vehicles' involuntary acceleration problems. To find out whether it was because of the floor mats or something else, an investigation has to be done. We did not receive any complaints before Toyota's recall notice about the pedal that was sticking because of condensation.

When Toyota issued the notice of defect, the company had to provide the reasons for issuing that notice. Toyota told us that it has received five sticky pedal complaints in Canada and five in the United States since October 2009.

Mr. Roger Gaudet: All right. What did you do when you received the 17 complaints? My question is simple. Do you not have enough staff to conduct the investigations? I want to know if you found something or if Toyota told you about it?

[*English*]

Mr. Trevor Lehouillier: The five complaints were not Transport Canada complaints. These were complaints that Toyota had received and brought to our attention when we had the meetings concerning the issue.

We have not seen a sticky pedal to date. During our vehicle inspections, that is one thing we look at. Not only do we look at the pedal, we also look at pedal spacing. We look at floor mat configurations, where the floor mat is, what the person is using for floor mats. Often you will see after-market floor mats in a vehicle.

We also look at some of the other circumstances that are taking place. If you had a sudden acceleration from a non-stop situation, such as a parking lot occurrence, what was the driver doing at the time? Were they backing up? Were they looking backwards? What were they paying attention to? If they were driving down the highway, what was happening? Was it a cruise control situation where they'd passed somebody? There are a number of factors involved in looking at these situations. Looking at the operation of the pedal and the throttle mechanism in the engine compartment is one of them.

• (1020)

[*Translation*]

Mr. Roger Gaudet: I agree with you. But what did you do about the 15 complaints you received about the accelerator?

[*English*]

Mr. Trevor Lehouillier: The 17 complaints are not for sticky pedal. The 17 complaints relate to public complaints that have come forward concerning sudden acceleration, vehicle runaway, engine surge, driveability. When you look at the 17 and break them down, you have very small numbers of—

[*Translation*]

Mr. Roger Gaudet: For me, sudden acceleration and the accelerator are one and the same thing. I am not sure if you understand what I mean. I believe Mr. Lussier understood. You are saying that it was accelerating faster. I am talking about the accelerator. For me, they are quite similar.

[*English*]

Mr. Trevor Lehouillier: If the pedal itself is sticking, the idle of the engine will return low. It is not going to make the vehicle suddenly accelerate.

[*Translation*]

Mr. Roger Gaudet: Do you not have enough research staff when you receive complaints like that? I was a restaurant owner once. If I had received 17 complaints, I guarantee you that my restaurant would have been closed, regardless of the type of complaint, whether

it was for cleanliness or for something else. I am not sure whether Transport Canada has enough staff. Maybe we are in a recession. I would like to know if you do not have enough staff. Transport Canada did not find the defects in the Toyota cars; it was the company who told you about it. I want to know if you found something or if Toyota told you about it.

[*English*]

Mr. Gerard McDonald: Maybe I can try to answer, Mr. Chair.

I had talked about whether we have enough staff, in answer to the previous question. As I said, given the 1,200 complaints that we receive each year, we feel that we do have an adequate number of staff to deal with those complaints.

When we talk about the 17 acceleration-related complaints that we received from Toyota, again, not all of those complaints, or not any of those complaints based on our investigation, could be related back to a sticky pedal.

It's also important to note that of the 17 acceleration complaints to Toyota, this was not particularly different from the number of acceleration complaints we would have received regarding the manufacturers of other vehicles in Canada. There was nothing within those complaints that would have given us rise to have any particular concern for Toyota vehicles.

I also would like to add that when we receive a complaint, it does not necessarily mean that there is a particular defect. That's what Trevor and his people try to determine when they get the complaint: what was the problem? When our people go to do the investigation, they may find that the acceleration issues could be as simple as human error, in many of those cases. In many cases, it's something else. It might be the floor mat, or it might be some other particular instance that took place.

So when they receive the complaint, it gets a general categorization under the term "acceleration-related". It's then up to Trevor and his people to determine, when drilling down on the particular complaint, what is the actual problem related to that. If they can determine that, the file gets put in a dormant category. If not, we continue to do investigations. If we find there are some similarities in complaints, that then causes them to drill down further to find out whether there is something we should be pursuing.

That is exactly what happened in the case of the Venza. With the floor mat for the Venza, they found one. While one is not a recurring problem, when they found two, that gave them some rise for concern. That was the point when they started talking to Toyota.

[*Translation*]

Mr. Roger Gaudet: Mr. McDonald, would it be possible to obtain copies of the transparencies from the meeting we had last Monday at Transport Canada? There were copies in French and in English, but there were none left when I arrived. Would it be possible to provide all the members of the committee with copies of the transparencies that you presented last Monday?

[*English*]

Mr. Gerard McDonald: Yes. We would be more than happy to share those with the committee. We'll make them available through the chair.

The Chair: Thank you very much.

Before I go to Ms. Brown, I just have one question. Do you ever get complaints from dealers themselves on issues that they can't resolve, either through the company or...?

Mr. Trevor Lehouillier: The odd time we will get a technician who calls and says they've identified something, but to be quite honest, that is odd.

•(1025)

The Chair: Okay.

You have a point of order, Mr. Volpe?

Hon. Joseph Volpe: Yes.

With respect to the documents that are being circulated, are these the ones that Mr. McDonald made reference to in his introduction?

The Chair: Yes, they are.

Hon. Joseph Volpe: This is the sum total of all the information he has on the Toyota file?

Mr. Trevor Lehouillier: These are copies of the public complaints from 2000 to February 28, 2010. Personal information has been sanitized from the files, of course. However, the make, the model, and the description of the complaint is there.

The Chair: Mr. Masse, on the same point of order?

Mr. Brian Masse: Yes, thank you, Mr. Chair.

The minister yesterday mentioned that he would make all documents available. I would ask that the committee be provided with e-mails and other documents in the exchange between Toyota and the Department of Transport. The minister has promised that material would be available. As soon as possible, we would like those documents as well, please, for the committee's usage.

Thank you.

The Chair: Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair.

As the chair, you took a point of privilege and asked a question that I was going to ask.

I want to go back to talking about the complaints process that's available to Canadians. You said that the average number of complaints that you receive in a year is 1,200. So we're talking about three per day. I have a number of questions here, and I'll just lump them all together.

Do you do any determination on those complaints—i.e., whether they are per chance frivolous? And how do you define a frivolous complaint?

Do you track them by gender? Is there ever any discussion about footwear that may be used when these happen? I do a lot of driving and I wear high heels when I drive. Is that something that comes into the discussion, that footwear is looked at?

Do you track them by locale? Do more complaints come from urban areas or rural areas? Do they come from the east or the west?

Do you track them by weather? Is that another variable that goes into the process?

Do you track them by whether the car is a manual or a standard shift? Is that something that comes into this?

What responsibility is there on a mechanic? This is a question that I think the chair was asking. Do you get questions or do you get complaints from mechanics, from Midas or any of these other alternates to dealers who provide service? Do you get complaints coming in from them? Do they raise a point with Transport Canada?

Finally, you started to address this, Mr. McDonald, but I'm wondering what number of complaints would start to raise a red flag for Transport Canada that there is a problem out there if we're looking at three per day that are coming in on any variety of issues.

Mr. Trevor Lehouillier: With respect to frivolous complaints, yes, there are frivolous complaints, no question about it.

Ms. Lois Brown: Could you tell us what number, out of the 1,200, you would consider frivolous? And how would you define it?

Mr. Trevor Lehouillier: Just to expand on the frivolous, often it's because there is a financial cost in having a vehicle repaired. When we provide you with the presentation that we gave on Monday, you'll see that there are typically four things that we look at.

We look at the fact that the issue ties back to manufacturing. If the issue is service-related—for example, you have your brakes serviced and your brakes fail—that doesn't fall under the mandate of Transport Canada. It falls under provincial regulation, servicing and licensing. Therefore, there will be a number of complaints that tie back to servicing.

There are also complaints in which safety is not a concern. Safety is the big thing for us.

We also look at what warning is provided to the operator. For example, a wheel bearing is making noise. Maybe the wheel bearing is defective, but it's making noise, giving you, the operator, some feedback that you need to do something. You need to take that vehicle and get it serviced. If you ignore that noise for six months and then the wheel falls off because of that, you do have a responsibility as an operator. That's something that we would consider during the process of our investigation.

So with frivolous, yes, there definitely are some complaints that are frivolous. We do not look at 1,200 vehicles a year. We look at a percentage of those. I can get back to you with more details on vehicle inspections and that type of idea, the exact number. I don't want to throw out a number only to lead you down the wrong road.

Dealers are not regulated by Transport Canada. They would fall under provincial regulation for the licensing of technicians. I am not aware of anything that would suggest that they have, besides ethically, a responsibility to bring something to Transport. I'm assuming they would bring that to their technical people. Manufacturers have these types of services. They have technical representatives, regional representation. If there are issues, they are being brought to the manufacturer through their dealer network in that sense.

I'm not sure if I've covered all of your questions.

•(1030)

Ms. Lois Brown: Pretty much; you're getting there.

Mr. Trevor Lehouillier: Oh, yes; footwear and weather. Those types of things are definitely considered when we're looking at situations.

As an example, among the complaints that are going out, there is one complaint where the gentleman complains that the only time it happens is in the winter, when he has his winter boots on. You know, I don't think we necessarily have to hold a full-blown investigation to get an understanding of what might be taking place in that particular type of case.

So yes, we look at footwear, we look at weather, we look at regions. We do not necessarily document things and say, okay, we have five cases with women and five cases with men. We wouldn't go that specific. However, for these types of cases, footwear is definitely a consideration.

The floor mats that are used is a consideration always, to the point where we actually issued a safety advisory in 2007 with respect to floor mats. The reason was that we were seeing aftermarket floor mats. The federal government does not regulate aftermarket components. That's a provincial area. However, we were seeing where aftermarket floor mats were interacting with pedals. We took a proactive action to issue this advisory. It's on our website. It was issued in 2007, informing people how to properly install their floor mats because of the fact that we had seen it with aftermarket floor mats.

Ms. Lois Brown: Thank you.

The Chair: Ms. Crombie.

Mrs. Bonnie Crombie (Mississauga—Streetsville, Lib.): Mr. Chair, thank you for welcoming me to this committee. Obviously, I am new, and I'm new to these issues, other than as a consumer, but I am getting up to speed quickly.

I want to welcome the witnesses. Thank you for appearing before us today.

Mr. Lehouillier told us that he's just received the readers prototype only this week, and there was no technical expertise on this black box, so there is no technology to do the testing. I am very concerned that we have the adequate technology to protect consumers and ensure the safety of Canadians.

Mr. Lussier told us that they don't keep data that cause accidents that are attributed to defects.

Mr. McDonald, are these serious issues, and are these issues of concern to you?

Mr. Gerard McDonald: No. With respect to the black box, obviously this is new technology, and we were on Toyota right away as soon as we found out it was available. We are going to make use of it. We have now received it. We are going to test it and make sure we can use it as soon as possible.

With respect to the data, obviously the more data you have, the better decisions you can make. Unfortunately, we do have data on road accidents and the cause of their occurrence, but while we can obtain some information from the statistics we have, the cause of all

accidents is not immediately known, nor can all safety defects be attributed to particular accidents. It's a matter of the granularity of the data.

Mrs. Bonnie Crombie: Thank you.

Do you think you have the tools to properly conduct the investigations and ensure the safety and protection of Canadians?

Mr. Gerard McDonald: Yes, under the Motor Vehicle Safety Act, I do believe we have the tools.

Mrs. Bonnie Crombie: Mr. McDonald, with all due respect, you are associate assistant deputy minister. To whom do you report?

Mr. Gerard McDonald: I report to the deputy minister.

Mrs. Bonnie Crombie: Is this a serious enough issue that perhaps the deputy minister should have appeared before this committee today?

Mr. Gerard McDonald: That's not for me to say. I was the person invited.

Mrs. Bonnie Crombie: Why wouldn't the deputy minister come here today?

Mr. Gerard McDonald: I cannot comment on that.

Mrs. Bonnie Crombie: What sort of advice did you receive from the deputy minister before coming here today?

Mr. Gerard McDonald: I did not receive any particular advice from the deputy minister before coming.

Mrs. Bonnie Crombie: Did you consult with him, or did he consult with you?

Mr. Gerard McDonald: Certainly we let her know that we were coming before the committee.

Mrs. Bonnie Crombie: Who briefs the minister? Would that be your responsibility or would that be the deputy minister's?

Mr. Gerard McDonald: That would be both of us. I've briefed the minister on various occasions, as has Trevor and as has Louis-Philippe.

Mrs. Bonnie Crombie: Would the minister provide guidance or direction on your appearance here today?

Mr. Gerard McDonald: The minister has certainly expressed a great interest in Toyota, and he wants us to ensure that we're using the Motor Vehicle Safety Act to its best use to ensure that the safety of Canadians is protected.

Mrs. Bonnie Crombie: My question was, did the minister provide any direction on your appearance here today?

Mr. Gerard McDonald: The minister provided me with no direct direction on my appearance—

Mrs. Bonnie Crombie: Did the minister's staff provide direction on your appearance here today?

Mr. Gerard McDonald: Certainly we met with the minister's staff before our appearance to brief them on what we would be presenting to the committee, and we discussed our appearance.

Mrs. Bonnie Crombie: Was your presentation acceptable? Were there any changes made?

Mr. Gerard McDonald: There were none in particular that I can think of.

Mrs. Bonnie Crombie: I have to apologize because I'm newly from the public accounts committee, where usually the Auditor General appears before us. I'm just concerned that the deputy minister wouldn't have been here today to appear before us and to answer our questions.

• (1035)

Mr. Gerard McDonald: I'm not sure that she was directly invited. I'd have to defer to the chair, but it was my impression that I was the official invited by the department and as such I accepted.

Mrs. Bonnie Crombie: I'm just concerned that perhaps the minister didn't give proper instruction today. What instructions did you receive from the minister's staff?

Mr. Gerard McDonald: I received no particular instruction. As I said, we reviewed the documents we would be presenting and that was the extent of it.

Mrs. Bonnie Crombie: Okay. I'll move on. Thank you.

Relative to the proportion of complaints that are in the U.S., how many investigators do they have as a percentage of complaints?

Mr. Trevor Lehouillier: I'm not aware of the number of investigators. Their system is significantly different and they are a very large entity.

Mrs. Bonnie Crombie: You have ten per 1,200 complaints.

Mr. Trevor Lehouillier: That's correct.

Mrs. Bonnie Crombie: Are we aware of the number of complaints they received in the U.S.?

Mr. Trevor Lehouillier: I couldn't give you the exact number, but typically, in the automotive industry, the vehicle population is a ten-to-one ratio. The ten-to-one ratio may be low on complaints, but I'm not certain.

Mrs. Bonnie Crombie: Right, but I want to understand better whether they put more significance on the number of investigators... whether they use that ten-to-one ratio. That's why I'm asking you how many investigators they have.

Mr. Trevor Lehouillier: I can get back to you on that.

Mrs. Bonnie Crombie: That would be great. Thank you.

The Chair: I ask you to send that through the chair, for distribution.

And I have to advise Ms. Crombie that her time is up. Time flies.

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair, and thank you to the witnesses for coming here today.

I have a series of questions.

I understand that this sticking pedal phenomenon is not something new. I'm quoting from a consumers article that says that sudden acceleration problems are nothing new, that somewhere around 20,000 consumers in the United States have complained about sticky pedals for some ten years or more. Is that correct?

Mr. Trevor Lehouillier: That would be U.S. data, and unfortunately I can't confirm that.

Mr. Brian Jean: Is this something that's been taking place over a period of time—in fact, for more than a decade? Have you received complaints in Canada about sticky pedals?

Mr. Trevor Lehouillier: Not necessarily sticky pedals. Sudden acceleration and runaway events have been happening since the sixties and seventies. There are actually a number of reports from that time that document it very well.

Mr. Brian Jean: What kind of evidence has Transport Canada collected regarding this particular phenomenon?

Mr. Trevor Lehouillier: Right now, for any complaint that comes forward that may allege a sticky complaint, we're further investigating those particular situations in light of the fact that we have not seen a sticky pedal.

Mr. Brian Jean: So you have these pedals in your shop—is that correct?

Mr. Trevor Lehouillier: We have some pedals, yes.

Mr. Brian Jean: And you've tried to duplicate the complaint of the sticky pedal and you've not been able to do so.

Mr. Trevor Lehouillier: To date, we have not been able to duplicate it.

Mr. Brian Jean: I was reading an article in *Popular Mechanics* last night that noted Toyota's problem with the pedal. The magazine actually indicated that 4.2 million recalls have been issued in the United States for the floor mats, and somewhere in the neighbourhood of 2.4 million recalls to install the shim. Those numbers are not reflective of Canada's market, is that correct?

Mr. Trevor Lehouillier: To be honest, I'm not positive on that. I'm not sure how the math works out. I haven't done the math comparing the U.S. versus Canada.

Mr. Brian Jean: I haven't heard so far, from the questions or from you, anything to do with magnets. Reading this *Popular Mechanics* article, it indicates that the magnet in the Toyota case is on the pedal arm and there could be some issue in relation to that. Has Transport Canada investigated anything in regard to magnets and what they can cause?

Mr. Trevor Lehouillier: There have been a number of allegations in the media with respect to electrical magnetic interference. To date, there have been no reports to support that, as far as technical findings. Toyota themselves have hired a third party; they've been very open about that. We have seen a copy of the preliminary report from that third party, and they have not been able to replicate electrical magnetic interference. It's speculation, but nobody has been able to show it to date.

Mr. Brian Jean: There are somewhere around 240,000 to 250,000 Toyota vehicles in Canada that match the types of vehicles that may have problems. Is that correct?

Mr. Trevor Lehouillier: I think the number is close to 400,000 when you look at the combined vehicles in all recalls.

Mr. Brian Jean: All of them.

I went on the Toyota site and identified a lot of different vehicles, and it was quite helpful, as far as the article. I just thought I'd mention that, if people who drive Toyotas are listening today.

I'm curious. Should people stop driving these vehicles? Are they safe in Canada, or is Transport Canada at this stage recommending that people don't drive them? What are you recommending to people?

• (1040)

Mr. Gerard McDonald: All we're recommending right now is that people take their vehicles, follow the advice given to them by their manufacturer—which in this case is Toyota—and bring their vehicles to the dealers as quickly as possible so those issues can be dealt with by the manufacturer as soon as possible.

Mr. Brian Jean: And to your knowledge, Toyota has contacted all of the customers who have these vehicles. Is that correct?

Mr. Gerard McDonald: They have undertaken that they would do so. I don't know if we have any confirmation that they have actually contacted everyone.

Louis-Philippe, I don't know if you have anything.

Mr. Louis-Philippe Lussier: We haven't yet received their first quarterly report in terms of how many people they have reached so far, so we don't have that information yet.

Mr. Brian Jean: Have you asked for that information from them? I know they have an obligation to provide it, but have you asked for it to be accelerated?

Mr. Louis-Philippe Lussier: As you mentioned, it's an obligation under the Motor Vehicle Safety Act, when a company issues a notice of defect, to basically provide quarterly follow-up reports to determine how many consumers they have reached. We are basically waiting.

Mr. Brian Jean: When is that report due?

Mr. Louis-Philippe Lussier: I don't have the exact date, but it's forthcoming.

Mr. Brian Jean: Would you be able to provide to the chair information in relation to when that report is due? Also, have you considered, as a department, asking Toyota for their cooperation to provide that on an early basis? Have you done that?

Mr. Louis-Philippe Lussier: We will do that.

Mr. Brian Jean: All right. Thank you very much.

I just want to make sure that we deal with the issue of safety, because that's obviously the paramount issue. Do you believe that this particular fix, the shim that my colleague, Mr. Watson, referred to, and the caliper mechanism, will fix the issue of the sticky pedal? I understand that moisture might be part of the problem, and obviously Canadian winters are quite a bit different from American winters, so we have different dilemmas as far as weather and moisture go.

Will this shim, this caliper mechanism and change, make these vehicles safe as far as the sticky pedal goes?

Mr. Trevor Lehouillier: From the engineering perspective, it does change things. The analogy that Toyota has given us does have validity.

Mr. Brian Jean: Is there any other perspective we should look at in this case other than the engineering perspective?

Mr. Trevor Lehouillier: Well, I think we need to keep in consideration that Toyota has reported only five cases of this occurring. They have indicated that it's extremely rare, so we do have to look very closely at the cases that are coming forward to try to see what issues are happening. Is it the floor mat? Is it the pedal? Again, we haven't seen a pedal.... Or are there other contributing factors? That's something we consider.

We also have to consider in the process of investigation that there is a potential...some of these cases may be driver error. That's no different from any manufacturer.

Mr. Brian Jean: So there are four to five cases, and 20 million vehicles sold in North America by Toyota, isn't that correct?

Mr. Trevor Lehouillier: The population of the recall would be 400,000.

The Chair: I have to stop it there. I'm sorry.

Mr. Brian Jean: Thank you very much.

The Chair: With the time we have remaining, I'm going to go around the room one more time. Each party will have three minutes. I will be holding that number tight.

Mr. Volpe.

Hon. Joseph Volpe: I'm going to try to stay with that. Thank you very much, Mr. Chairman.

I just had a quick glance at the document that was presented to us. Contrary to what I thought I heard Mr. Lehouillier say, I found several instances of sticky pedals early on in the report stage, so it's not something that the department hasn't been aware of for quite some time.

What distresses me is that there's something else missing here as well, and that is a summary of all the complaints. You must have a summary of complaint reports. In fact, I think you do have it. The minister says in a letter to all members of this committee that he "would be pleased to provide members of the Committee with any and all information Transport Canada has in its possession relating to this matter". So when can we expect the complainant summary report, the details report?

Mr. Trevor Lehouillier: The public complaints are what we have provided you.

Hon. Joseph Volpe: You must collect these in order to provide a particular profile of a particular vehicle. Because we came here talking about Toyota, it would be about the Toyota products.

For this here, as I've seen it—and thank you very much for bringing it to our attention—I see some of it, but is this all you have on it?

Mr. Trevor Lehouillier: No, these are the public complaints. You'll see make, model, and year on most complaints. Those are the public complaints we have on file with respect to Toyota. They do not necessarily have the full investigation findings. We can provide that.

This summary was put together in a very short time so you could have the opportunity to see what the Canadian consumer is bringing to the government. Those are the complaints we have.

•(1045)

Hon. Joseph Volpe: Do you compile a summary of what you've done with them?

Mr. Trevor Lehouillier: We have an internal database. For each one of those files, there are further details. There are further vehicle-specific details, vehicle identification, and personal information, as well as a section on what actions took place.

Hon. Joseph Volpe: Will you make those available to us?

Mr. Trevor Lehouillier: We can. We have to be very cautious about personal information. There are personal pieces of information that need to be protected under the appropriate legislation.

Hon. Joseph Volpe: Well, we're talking about the vehicle, so take out the name of the proprietor.

Mr. Trevor Lehouillier: I understand, but it's just that in the context at times there may be text that has personal information, including vehicle identification numbers, which is a personal identifier.

Hon. Joseph Volpe: So the chairman will expect to receive it.

You see, I'm wondering about this. I don't mean to be negative, but you kind of turned me off at the very beginning.

I don't mean to be negative about certain issues. You came here and you were supposed to talk about the Toyota recall process and give us a sense of where the department was going and the tools it had at hand. I have to tell you that I wondered what you were doing here, because on a question of policy, you didn't address the issues, and on a question of mechanics, you gave me an indication that you don't have all the technological tools in order to verify the safety of the product on the table. I'm kind of disappointed, but thank you for coming anyway.

The Chair: Any comment?

Monsieur Laframboise.

[Translation]

Mr. Mario Laframboise: Thank you, Mr. Chair.

I have two quick questions. First, Mr. McDonald, in your comments to the questions my colleague asked before, you mentioned that there were 17 complaints, two of which were related to floor mats and 15 were related to sudden acceleration. A sudden acceleration problem does not mean a problem with the accelerator. Except that it was actually an accelerator problem in a number of cases. That is clear from what followed: Toyota issued recall notices and is going to change the accelerator pedal because there was a problem.

How come we could not find that? Is it because you do not have the proper technology? Is it because you do not have the proper staff? This is my first question.

Second, could you give me the name of the person you are working with at Toyota? Are there different people at Toyota or is there one designated person with whom you are working on the recall?

[English]

Mr. Gerard McDonald: Just to clarify, for those 17 that we talked about, I don't believe I indicated that they were accelerator problems but rather acceleration problems. That was the nature of the complaint we received. As Trevor indicated, it could be any different type of acceleration that was related to those particular complaints.

[Translation]

Mr. Mario Laframboise: But Mr. Lehouillier said that you had never had accelerator problems. So that is why you believe it was an acceleration problem. Actually, there were accelerator problems, but you did not find them. I want to know why you did not find them. Is it because you do not have the proper technology or because you do not have the staff to do it? This is my question and I would like you to answer.

[English]

Mr. Gerard McDonald: No, I don't think it's a matter of not having the proper staff. We're quite confident in our staff and their ability to investigate whatever complaints come before them. When they receive an acceleration problem, as I indicated, it does not necessarily mean it is related to a sticky accelerator. Of those 17, there was nothing in the subsequent investigation that took place that gave them reason to believe it was the result of a sticky accelerator.

Trevor, I'm not sure with respect to the problem in question...

Mr. Trevor Lehouillier: Do keep in consideration, the 17 complaints are all Toyota vehicles, all model years covered. There are also other issues that may have nothing to do with an accelerator pedal: it could be an engine revability issue, it could be those types of areas. You need to look at the 17 to have a better understanding of that.

[Translation]

Mr. Mario Laframboise: But it is never the pedal.

Could you give me the name of the person you are working with at Toyota?

[English]

Mr. Trevor Lehouillier: We have a direct contact that we work with there. We can provide that name through the chair. It is a point contact, so when we require information, the formal request we send goes to one direct government contact.

[Translation]

Mr. Mario Laframboise: Do you always work with the same person?

[English]

Mr. Trevor Lehouillier: We screen our correspondence through that person. Throughout this event there have been a number of people within Toyota who have also participated with our meetings and our conversations, including Mr. Beatty and some of his representatives.

[Translation]

Mr. Mario Laframboise: Thank you.

[English]

The Chair: Mr. Masse.

Mr. Brian Masse: Thank you, Mr. Chair.

Has Toyota provided you with all the complaints that they have received from Canadians?

Mr. Trevor Lehouillier: All consumer complaints, or with respect to sticky pedals?

Mr. Brian Masse: Yes, their complaints.

Mr. Trevor Lehouillier: No, they haven't.

Mr. Brian Masse: I just find it a little bit odd, in the sense that you don't know even how many people they've actually contacted to fix the recalls that you have requested. You can only request, because in Canada we can't mandate; we have to rely upon the American system to do that. Let's be clear about that.

Maybe that's why edmunds.com actually have a \$1 million solution out there for anyone who can actually show what the real problem is.

Have you looked at the software and the chip? What investigative resources are you putting towards that?

• (1050)

Mr. Trevor Lehouillier: We are unaware of a situation with the chip. I understand there was one gentleman in our meeting on Monday who indicated it was a chip issue. It was the first I've heard of it. I've asked that gentleman to bring those cases to our attention so we can try to get a better understanding of what this chip is. I'm not aware of anything else besides that.

Mr. Brian Masse: Let's get this clear. In the United States they've got full-blown investigations on the software and the chip, and here we don't even know anything about the chip?

Mr. Trevor Lehouillier: We are looking at each public complaint that comes forward to try to better understand that complaint.

Mr. Brian Masse: Thank you, Mr. Chair. Mr. Bevington will have my final time.

Mr. Dennis Bevington (Western Arctic, NDP): Just in terms of your department, how much have you staffed up over the past decade?

Mr. Gerard McDonald: In which, the road safety division?

Mr. Dennis Bevington: The road safety division. Have you staffed up in the last decade?

Mr. Trevor Lehouillier: With respect to road safety, I really couldn't comment on all of road safety, because there are about 16 different divisions.

Mr. Dennis Bevington: In your department.

Mr. Trevor Lehouillier: With respect to defect investigation, it has been the same.

Mr. Dennis Bevington: So it's the same. You've gone from just over 600 complaints to 1,200 last year and it looks like you're going to hit 1,600 this year. I note that the majority of the complaint increases are among different manufacturers other than the main four, so the complexity of your complaints is going up. The sources of your complaints are spread over a wider automotive manufacturing sector and yet you've the same amount of staff that you had when you were doing 600.

Are you able to provide the same level of service today that you were doing a decade ago, when you only had half the complaints, and those complaints were focused around three or four manufacturers?

Mr. Gerard McDonald: As I previously indicated, we feel we're fulfilling our obligations under the Motor Vehicle Safety Act with the resources we have. If we see that the level of complaints is rising appreciably, there will be courses for us to follow to pursue the—

Mr. Dennis Bevington: So you were over-staffed before? You were over-staffed a decade ago and now you're just getting to a point where your staff is fully employed? Is that the case? Is that what you're saying?

Mr. Gerard McDonald: No, I'm not saying that. What I'm saying is we manage based on risk and we attempt to put our resources to the best use we possibly can to ensure the safety of Canadians.

The Chair: I have to stop it there.

Mr. Jean.

Mr. Brian Jean: Thank you, Mr. Chair.

Firstly, Mr. Masse and Mr. Volpe, after the documents have gone through the ATIP, my understanding is the minister wants to provide all of the documents that you request that are directly appropriate to this, and obviously he will.

I know, gentlemen, that the minister's office has actually directed you to help the family in British Columbia get to the bottom of what happened, and actually you've been in direct communication with that family as well. To your knowledge, is that correct?

Mr. Trevor Lehouillier: That's correct. We did get the word from the minister's office late yesterday afternoon. Personally, from my residence last evening I actually called our field investigation team; fortunately, they're three hours behind us in B.C. The investigation team has since spoken to the complainant, who is ex-police, retired police. He has some concerns and he still doesn't have the full answers. It was a U.S. crash, a very severe crash, and he'd like us to get more answers. We're going to do as much as we can to assist him.

Mr. Brian Jean: Excellent.

I really appreciate the technical briefing we had. I know some members of this committee actually went: Mr. Tweed, Mr. Maloway, and Mr. Gaudet showed up. There were some MPs who actually attended. I was quite impressed. You had six pedal mechanisms out there that you were working on.

My understanding is that today you are continuing to investigate the sticky pedal issue with Toyota. Is that correct?

Mr. Trevor Lehouillier: That's correct.

Mr. Brian Jean: Okay. And you're going to continue to investigate that until you get to the bottom of that, is that correct?

Mr. Trevor Lehouillier: We are continuing the investigation.

Mr. Brian Jean: Would you be prepared to provide information to the committee when you decide to stop that investigation, when you come to a conclusion on that?

Mr. Trevor Lehouillier: We definitely will be more than happy to give you an update.

Just to clarify, our investigations never stop. We continue monitoring what's happening.

• (1055)

Mr. Brian Jean: Great.

Just to carry on with what Mr. Bevington says, I notice 2004 was actually a record year for complaints.

Mr. Trevor Lehouillier: No, I just want to correct you on that. That's probably the last table you're looking at. That's recalls, population of recalled vehicles, not necessarily complaints.

Mr. Brian Jean: Okay. Do the complaints correlate with that?

Mr. Trevor Lehouillier: No, they don't. You have to keep in mind that the manufacturer has an obligation to do those recalls. Those recalls are not necessarily influenced by Transport Canada defect investigations. It is a floating number in the sense that you never know how large that recall is going to be. There's a chance the recall could be for one vehicle—we have seen that—or it could be for, in the Toyota case, 400,000 vehicles.

Mr. Brian Jean: Okay.

In 2005 it went down substantially, almost in half, and then in 2006 it went down again. Do you think there's any correlation with the election of a Conservative government in 2006?

Some hon. members: Oh, oh!

Mr. Brian Jean: Thank you for answering all my questions. I appreciate it.

The Chair: Thank you.

Before I end, I have one question.

Years ago, automakers made the cars slightly different in Canada and the U.S., some would say perhaps to protect their dealer networks, etc. Now, with the movement of automobiles back and forth, obviously they have to meet our safety standards and we have to meet their safety standards.

The question I have is why would Toyota America be treated differently than Toyota Canada if the free flow of vehicles into each other's markets is equal? Why is Toyota America getting different answers or different responses from what perhaps we're hearing or suggesting in Canada? Is there a reason for that?

Why isn't the North American market being treated as one, as opposed to Canada and the U.S. market? Maybe that's more simple.

Mr. Gerard McDonald: I think there are a couple of responses to that, Mr. Chair. One is that they are two separate entities in terms of Toyota. There is Toyota Canada and there is Toyota U.S.A. They're different companies. Our government obviously has to deal with Toyota Canada with respect to this issue.

Also, as was indicated earlier, while we are trying to harmonize a number of the safety regulations, they are not totally harmonized at this point.

As well, not all of the issues that we're talking about here relate to the safety regulations themselves. We don't have a safety regulation with respect to the floor mat, so what you have is that the floor mats in the U.S. are actually different from the floor mats in Canada. As I mentioned earlier, the ones in Canada are more supple than the ones they make in the U.S., so that's been the cause of some of the problems.

The Chair: Yes. It just seems ironic that we share that same market and yet the product is different for different reasons and also affects the consumer in that same way.

Mr. Gerard McDonald: Fair enough, and we're trying to harmonize as much as possible, but there is still work to be done there.

The Chair: Mr. Volpe, on a point of order.

Hon. Joseph Volpe: The officials have indicated that they'll provide information to us. I wonder if they could do it electronically on an Excel database. It will make things a lot easier for people to get hold of.

The Chair: If that's possible, I would ask that you do so through the chair's office.

Hon. Joseph Volpe: It will kill fewer trees.

The Chair: With that, I will thank our guests for appearing today. We appreciate your time and wish you continued success in your challenges.

For the information of the committee, the industry committee has agreed to meet with us collectively on Tuesday with regard to our review with the Toyota officials.

An hon. member: [*Inaudible—Editor*]

The Chair: Again, we know, and I will make a call today.

With that, the meeting is adjourned.

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