



Toyota's quieter ride

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In the United States -- dramatic testimony at Congressional hearings, culminating in profound apologies from the head of the world's largest automaker to families who lost relatives in accidents in Toyota cars.

In Canada -- a polite government press release that "applauds" Toyota Canada for determining ways to stop gas pedals from sticking and causing crashes.

In the U.S. -- allegations that Toyota may have failed to inform regulators of complaints it was receiving of runaway throttles. In Canada -- no chance for such charges, since in Canada automakers aren't required to inform authorities of safety complaints.

Now, with Parliament back in business and Transport Minister John Baird taking a tougher line on Toyota -- he said in an interview he is "tremendously concerned" about the allegations raised in Washington -- Canadians can expect Toyota hearings of our own. But that isn't stopping critics from charging Canadian safety has been overlooked in a controversy that continues to blow up for Toyota like sawdust-packed cylinders in a cheap used car.

Long-time safety advocate Emile Therien, citing the worldwide recall of 8.5-million cars and reports tying throttle problems to several deaths in the U.S., wants to know why authorities here have been "very silent" about potential risks.

"Should Transport Canada maybe recommend that people park these cars? I think that's a very legitimate question," adds the retired head of the Canada Safety Council.

However, Therien and others following the Toyota story shouldn't expect many fresh answers from the Canadian hearings expected in coming weeks before the parliamentary transport committee. Compared to the U.S. sessions, they're likely to be tepid affairs.

To understand why, and to know whether Toyota really has been getting an easier ride north of the border, you have to consider two things:

Canadian laws are very different from U.S. regulations.

Canadian cars, especially from companies such as Toyota Canada, which operate independently of their U.S. operations, can vary just as widely.

"The underpinnings of our system are incredibly different," Baird said in an interview Friday. "Our elected officials don't go around threatening criminal charges."

The U.S. attorney general can lay charges, against Americans or individuals outside the U.S., but Canadian leaders have no such authority and, in fact, are prohibited by ethical guidelines from suggesting they do. Similarly, Transport Canada bureaucrats cannot issue U.S.-style recall orders to manufacturers to fix safety problems. Instead, if companies refuse to voluntarily recall products, the government must take them to court -- an involved and time-consuming process.

The last case to go before a judge was in the early 1990s, and Transport Canada lost that one. (The law has been toughened since.)

And again unlike the U.S., where manufacturers must provide regulators with details of safety-related warranty claims, Canadian car companies have no obligation to share customers' safety complaints.

There are differences in process, as well. American complaints are made public before investigations are concluded. In Canada, investigations become public only if they result in a recall.

But Transport officials say their approach isn't as toothless as it might seem.

A key clause of Canada's Motor Vehicle Safety Act requires car companies to report and act on known defects, even if they don't have to disclose complaints. And with Transport receiving reports from consumers directly and tapping into a global flow of legal and regulatory data, defects rarely remain secret.

Transport's discussions with automakers are usually collegial -- to the point of the agency issuing an unprecedented release in November congratulating Toyota Canada for agreeing to trim gas pedals and make other changes, even though it hadn't installed the thick floor mats suspected for catching accelerators in the U.S.

But when such discussions stall, the threat of legal action has been enough for nearly two decades to ensure compliance, say Transport Canada officials. Convicted companies are subject to fines, recall orders, even jail terms for executives.

And while even safety advocate Ralph Nader has accused Canada of relying on U.S. safety findings, the Canadian agency employs Ottawa and regional investigators and has a well-equipped lab as well as the use of other government and private test facilities.

Transport staff are looking into three fatal Toyota collisions to determine if faulty accelerators were involved, and are trying to replicate the reported sticky throttle problems that led to a second round of Toyota recalls.

The process may be quieter, but the same vehicles get recalled in Canada, usually simultaneously. In 2008, that amounted to 459 separate recalls involving 1.2 million vehicles.

But it's the low-key political response that concerns Liberal transport critic Joe Volpe, who claims Baird has been "woefully absent" on the Toyota file.

"The government's inaction has allowed a concern to develop that we don't even know is justified in being there," said Volpe. "Secondly, we've allowed the Americans to deal with an issue that concerns us, without having any input in the way that they've dealt with it."

Volpe is pressing for a combined hearing into Toyota's problems by the federal transport and industry committees. But until those committees are reconstituted after the Conservative government's prorogation of Parliament, he doesn't know when the hearing will take place, and in what form.

One witness unlikely to appear at the Canadian session is Toyota president Akio Toyoda who, in the last month, has issued public apologies in China and Japan as well as U.S.

Instead, expect the automaker to be represented by Toyota Canada managing director Stephen Beatty, who seems eager to explain his company's actions to protect customers, including a pioneering agreement with dealers to share all repair data with the manufacturer, and the presence of engineers in Canada to respond to problems specific to Canada's climate and driving conditions. He also wants to outline equipment differences in models sold under the same name in different countries -- including the more pliable accessory mats sold in Corollas, Camrys and other Toyotas in Canada.

"Frankly, for me, the more people who understand the story, the less anxiety there is, the better it is, said Beatty, who was in Ottawa last week for media demonstrations of software that cuts the throttle if a driver presses both brake and accelerator. Toyota is retrofitting the technology in some models and stepping up its introduction in others.

The automaker also provided cars not equipped with the brake override software to demonstrate that firmly applied brakes will stop a car even with its throttle wide open.

Beatty, who said Toyota Canada has had just five reports of unintended acceleration in cars sold in this country, also wants to discuss the increasing complexity of cars and its effect on regulations. He cites the example of electronic interference, thought by some to be a factor in Toyota's throttle problems but dismissed by most in the industry as a phantom cause. Canada has no standard for electronic interference, said Beatty, so Toyota builds to double the European standard.

What tone the hearings take will be at least partially determined by John Baird, who as recently as late February suggested Canada must "be cautious not to pile on" Toyota. On Friday, however, he said that while he is assured Toyota Canada has given full co-operation to investigators, he was "tremendously concerned when I've seen what's gone in Congress in the United States in respect to Toyota U.S.A. or Toyota Japan -- but I don't have the power to regulate either of those."

If Canada did take a more aggressive, U.S.-style approach, Emile Therien would be satisfied. "A lot of people criticize it, but at least it lets people get to the bottom of the problem."